



BULKY DOCUMENTS

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Part 4 of 7



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Fatalities: Income Benefits for Spouse and Children (Chart VIII)

Benefits payable in the event of fatal injuries are shown in Chart VIII. The benefits provided include a burial allowance as well as a proportion of the worker's former weekly wages.

Although accidental death is always a tragedy, the economic loss associated with death cases is often less than that of a permanent total disability. Because of these considerations, death benefits are generally paid to the spouse until remarriage and to the children until a specified age. In addition, some laws provide a maximum benefit total expressed as maximum period for the payment of benefits. Figures for one child only reflect compensation if sole survivor.

Waiting Period For Income/Medical Benefits (Chart IX)

Medical Benefits — Comprising a sizeable portion of all workers' compensation benefits paid, medical benefits are shown in Chart IX. In most instances unlimited medical benefits are provided either specifically by statute or by administrative discretion.

Choice of Physician — Practices vary with respect to choice of attending physician. States are divided nearly evenly between those that give this decision to the employer and those that give the choice to the employee. In some states, selection must be made from an approved list. The employer normally has the right to select a physician to conduct an examination.

Waiting Periods — Statutes provide that a waiting period must elapse during which income benefits are not

payable. This waiting period affects only compensation; medical and hospital care are provided immediately. If disability continues for a certain number of days or weeks, most laws provide for payment of income benefits retroactive to the date of injury. Statutory provisions for waiting periods are summarized in Chart IX.

Rehabilitation of Disabled Workers (Chart X)

Mutual interests of disabled employees and employers generally favor starting rehabilitation as soon as possible. Although rehabilitation is considered an integral part of complete medical treatment, its uses may extend beyond this — for example, where it includes vocational rehabilitation and retraining.

Specific rehabilitation provisions now in workers' compensation laws are outlined in Chart X. However, rehabilitation is provided in all states even if unspecified in the law. Maintenance allowance amounts and special fund sources to finance rehabilitation also are indicated.

Insurance carriers and many employers having medical departments are leaders in carrying on rehabilitation for the industrially injured. Likewise, many major industries have comprehensive programs for employment of the physically handicapped. Smaller industries maintain modified programs for placement of disabled individuals in congenial tasks. All of these private programs help employees and employers alike.

The Federal Vocational Rehabilitation Act is now effective in all states; it includes federal funds to aid states in vocational rehabilitation of the industrially disabled.

Chart VI — Income Benefits for Total Disability

Jurisdiction	Percent of Wages	Maximum Weekly Payment		Minimum Weekly Payment		Time Limit	Amount Limit (\$)	Automatic Cost of Living Increase	Offsets	Notations
		Amount (\$)	Rate	Amount (\$)	Rate					
Alabama	66⅓	587.00	100% SAWW	161.00 ¹	27.5% SAWW ²	Disability PP-300 weeks TP-300 weeks				Annual increase in maximum effective July 1. ⁷
Alaska	80 (of spendable earnings)	832.00		183.00 110.00 ⁸		Disability			Social Security, unemployment compensation, employer-funded pension or profit-sharing plan.	
Arizona	66⅓	374.01				Disability				Benefits payable monthly. Additional \$25 monthly if 1 or more total dependents, not subject to maximum. If claim was handled in bad faith or was done unfairly, additional benefit of 25% of total or \$500, whichever is greater.
Arkansas	66⅓	453.00	85% SAWW	20		TT-450 weeks PT-Life				Maximum effective January 1. Employer may pay a lump sum equal to present value of all future payments computed at a discount of no more than 10%. ⁹
California	66⅓	728 ¹⁰		126 ¹⁰		TT-Disability PT-Life		TT-after 2 years	Unemployment compensation, Social Security.	50% increased compensation if injury due to employer's serious, willful misconduct. Compensation increased by 10% if undue delay in payment. If injury was caused by employee's intoxication by alcohol or other controlled substance, no compensation is payable.
Colorado	66⅓	658.84	91% SAWW			TT-Disability PT-Life			Social Security, Unemployment compensation, an employer-paid pension plan.	Annual maximum based on 91% of SAWW effective July 1. Compensation increased 50% if employer failed to comply with insurance provisions. Compensation decreased 50% if injury results from worker's failure to obey safety regulations or from intoxication.
Connecticut	75 (of after-tax income)	911	100% SAWW	182.20 ¹²	20% of maximum	Disability				
Delaware	66⅓	506.81	66⅓% AWW	168.94	33⅓% of maximum	Disability			Social Security, employer-funded pension.	Annual increase in maximum effective June 4, 2003.
District of Columbia	66⅓	1,055.96 ¹³	100% SAWW ¹³	263.99 ¹³	25% SAWW	Disability		PP and PT-January 1, maximum 5% ¹³	No offsets for injuries occurring on or after 4/16/99.	Annual increase in maximum effective January 1. ¹³
Florida	66⅓	626	100% SAWW	20		All Temporary Benefits-104 weeks				Annual based SAWW and maximum effective January 1. Compensation increased 20% of initial installment if not paid within 7 days after it becomes due. ¹⁴ Compensation reduced by 25% if employee refuses to use a safety device provided by employer. ¹⁵

Chart VI — Income Benefits for Total Disability, Cont.

Jurisdiction	Percent of Wages	Maximum Weekly Payment		Minimum Weekly Payment		Time Limit	Amount Limit (\$)	Automatic Cost of Living Increase	Offsets	Notations
		Amount (\$)	Rate	Amount (\$)	Rate					
Georgia	66 2/3	425 for injuries after 7/1/03		42.50 ¹		Catastrophic length of disability Noncatastrophic—400 weeks			Employer funded portion of disability plan, wage continuation plan, disability insurance policy contributed to by Employee; unemployment benefits.	A person convicted of the misdemeanor offense of fraudulently receiving and retaining benefits for which he/she is not entitled subjects that person to a penalty of not less than \$1,000 nor more than \$10,000, or one year of imprisonment, or both. ¹⁶
Guam ¹⁹	66 2/3	250	66 2/3% SAWWW	PT—150.00 ¹		Disability	100,000			Compensation increased 10% for late payment without award; 20% if award.
Hawaii	66 2/3	596	100% SAWWW	149 ¹	25% SAWWW	Disability		PT—injuries prior to 1/1/92 and January 1 of every tenth year thereafter.		Annual increase in maximum effective January 1. Compensation may be increased 20% for failure to pay within 31 days after decision or award or within 10 business days for uncontroverted TT disability case.
Idaho	67	480.60	90% SAWWW	80.10	15% SAWWW	Disability		After 52 weeks or on January 1 of following year		Annual increase in maximum effective January 1. ¹⁷ For first 52 weeks, benefit is 67% of worker's wages; after 52 weeks, benefit is 67% of the SAWWW. Worker with no wage history receives no less than 15% of SAWWW for first 52 weeks, 67% of SAWWW thereafter. 8% interest on late payments. ¹⁸
Illinois	66 2/3	1,019.73 ¹⁹	133 1/3% SAWWW	382.40 ²⁰	PT—50% SAWWW	TT—Disability PT—Life		PT—July 15 of second year		Semi-annual increases in maximum effective January 15 and July 15. ²⁰
Indiana	66 2/3	588 ²¹		50		500 weeks	294,000			After 500 weeks additional benefits are payable from second injury fund in 150-week increments. ²²
Iowa	80 (of spendable earnings) ²³	1,133 ²⁴	200% SAWWW	0.92 ²⁵		Disability				Annual increase in maximum effective July 1. Benefits up to 50% if late or stopped without good cause.
Kansas	66 2/3	440	75% SAWWW	25		Disability	TT—100,000 PT—125,000 (includes TT) PP—where functional impairment only is awarded—50,000		Retirement benefit provided by employer, including Social Security Retirement. No offset for Social Security Disability.	Annual increase in maximum effective July 1. Compensation may be increased up to \$100 per week past due (plus up to \$25 week past due).

Chart VI — Income Benefits for Total Disability, Cont.

Jurisdiction	Percent of Wages	Maximum Weekly Payment		Minimum Weekly Payment		Time Limit	Amount Limit (\$)	Automatic Cost of Living Increase	Offsets	Notations
		Amount (\$)	Rate	Amount (\$)	Rate					
Kentucky	66 $\frac{2}{3}$ ²⁸	588.43	100% SAWW	117.69	20% SAWW	Disability For injuries diseases after 12/12/96 award terminates upon eligibility for old age Social Security benefits			For injuries and dates of last exposure on or after 12/12/96: employer funded disability or sickness and accident plan covering same disability, unless plan contains an internal offset provision unemployment benefits.	
Louisiana	66 $\frac{2}{3}$	429	75% SAWW	114	20% SAWW ¹	TT-6 months ²⁷ PT-Disability			Social Security, unemployment compensation, employer-funded disability, federal and other state workers' compensation.	Annual increase in maximum effective September 1. No compensation paid if intoxication was the proximate cause of the injury. ²⁹
Maine	80 (of after-tax AWW)	506.42 ³⁰	90% SAWW					For injuries on and after 1/1/93, there is no provision for automatic cost of living adjustment	Employer funded benefits, old age Social Security, unemployment benefits.	Annual increase in maximum effective July 1. ³¹ Employee who terminates active employment and is receiving non-disability pension and retirement benefits and was paid weekly benefits is presumed not to have loss of earnings — this may be rebutted because of work-related disability.
Maryland	66 $\frac{2}{3}$	740	100% SAWW yearly maximum figure	TT-50 ¹		For TTD-length of total disability	For PT-45,000 and thereafter as long as claimant remains permanently, totally disabled	PT-January 1, maximum 5%		Annual increase in maximum effective January 1, Statutory formula utilized.
Massachusetts	60	884.46	100% SAWW	176.89	20% SAWW	TT-156 weeks PT-260 weeks	³²	PT-Percentage change in most recent annual CPI, not to exceed 5%	Unemployment compensation, pension, old age Social Security.	Annual increase in maximum effective October 1. Additional \$6 weekly per dependent child if total benefit does not exceed \$150 or 100% of wages. ³³
Michigan	80 (of spendable earnings)	671	90% SAWW	186.12	PT-25% SAWW	Disability ³⁴			Disability, unemployment compensation, pension, old age Social Security Retirement ³⁵	Annual increase in maximum effective January 1. Additional \$50 per day for award unpaid after 30 days, maximum \$1,500. ³⁶
Minnesota ¹⁰⁰	66 $\frac{2}{3}$	750		130 ³⁷	PT-65% SAWW	TT-90 days after MMI or after end of retraining, not to exceed a total of 104 weeks of benefits ¹⁰²		- Annual increase to most recent percent increase in SAWW, not to exceed 2%, with first adjustment on fourth anniversary of injury ³⁸	Social Security after \$25,000 paid for PT disability ³⁹	Increase in maximum effective October 1. Late payment shall be increased 25% if inexcusably delayed, plus interest.

Chart VI — Income Benefits for Total Disability, Cont.

Jurisdiction	Percent of Wages	Maximum Weekly Payment		Minimum Weekly Payment		Time Limit	Amount Limit (\$)	Automatic Cost of Living Increase	Offsets	Notations
		Amount (\$)	Rate	Amount (\$)	Rate					
Mississippi	66 $\frac{2}{3}$	341.11 ⁴⁰	66 $\frac{2}{3}$ % SAWW	25 ⁴¹		450 weeks	153,499			Annual increase in maximum effective January 1. Additional rehabilitation allowance up to \$10 weekly for 52 weeks. ⁴²
Missouri	66 $\frac{2}{3}$	662.55	105% SAWW	40		TT-400 weeks PT-Life	TT-265,020			Annual increase in maximum effective July 1; benefit set on rate in effect on date of injury; 10% interest for late payments. One time lump sum award may be reached through a compromise settlement. ^{43,44}
Montana	66 $\frac{2}{3}$	487	100% SAWW			TTD-disability until MMI; PTD-disability until eligible for or receiving full retirement benefits from Social Security or alternative system ⁴⁵	As of 7/1/90, maximum of 10 annual COLA adjustments. Rate no more than percent increase in SAWW or 3%, whichever is less.	Social Security		Annual increase in maximum effective July 1. PTD lump sum settlements may be discounted to present value based upon the average rate for US 10-year treasury bills in the previous calendar year.
Nebraska	66 $\frac{2}{3}$	562	100% SAWW	491		TTD-disability until MMI or return to work, PT-life				Annual increase in maximum effective January 1. Additional 50% compensation may be due for failure to pay within 30 days of notice of injury where no reasonable dispute exists, or for failure to pay within 30 days from the entry of final order, award or judgment. ⁴⁶
Nevada	66 $\frac{2}{3}$	635.78 ⁴⁷	150% SAMW			TT-Disability PT-Life			PT benefits are subject to an offset for previously received PP lump sum awards.	TT benefits payable biweek PT benefits payable month ATT cannot receive PP for the same period of time. Annual increase in maximum effective July 1.
New Hampshire	60 ⁴⁸	1,038.00	150% SAWW	207.60 ⁴⁹	30% SAWW ⁵⁰	Disability		Third anniversary of injury, July 1 thereafter		Annual increase in maximum effective July 1. Double compensation if employer violated prior recorded safety standard. ⁵¹
New Jersey	70	650.00	75% SAWW	173	20% SAWW	TT-400 weeks PT-450 weeks			Social Security	Annual increases to rate if date of injury occurred prior to January 1, 1980. After 450 weeks at reduced rate if employed; at full rate if not able to be rehabilitated
New Mexico	66 $\frac{2}{3}$	549.37	100% SAWW	36		PT-Life ⁵¹ TT-80% or more-700 weeks TT-less than 80%-500 weeks			Unemployment benefits, wages and employer financed disability benefits if offset contractually exists.	Annual increase in maximum effective January 1. 10% additional compensation payable by employer for failure to provide safety device. 10% decrease for failure to use safety device. Up to 25% increase if judge finds unfair claims processing. ⁵²

Chart VI — Income Benefits for Total Disability, Cont.

Jurisdiction	Percent of Wages	Maximum Weekly Payment		Minimum Weekly Payment		Time Limit	Amount Limit (\$)	Automatic Cost of Living Increase	Offsets	Notations
		Amount (\$)	Rate	Amount (\$)	Rate					
New York	66⅓	400		TT-401 PT-401 Or actual weekly wage, if less than \$40.00		Disability			Social Security	Persons receiving PT benefits may collect full compensation and wages, but not in excess of pre-injury wage base. ⁵³ Provision for collection of full wages and compensation applies only to statutory total disability for loss of both eyes, hands, arms, feet or legs or any two thereof.
North Carolina	66⅓	688	110% SAWW	30		TT-Disability PT-Life				Annual increase in maximum effective January 1.
North Dakota	66⅓	555 plus dependents	110% SAWW	303.00 ¹	60% SAWW ¹	Disability or retirement			Social Security Disability and Social Security Retirement ⁵⁴	Annual increase in maximum effective July 1. Additional \$10 weekly per dependent child under 18, or to age 22 if child attends a full-time educational institution; total benefits may not exceed claimant's net take-home pay.
Ohio	72 (first 12 weeks); 66⅓ (after 12 weeks); 66⅓ (if receiving social security benefits) ⁵⁵	662 for first 12 weeks ¹	100% SAWW	TT-220.67 PT-331.00	TT-33⅓% SAWW PT-50% SAWW	TT ⁵⁶ -Disability PT-Life			Employer funded benefits	Annual increase in maximum effective January 1. If PT benefit plus Social Security rate less than \$278.95 weekly, Disabled Workers' Relief Fund (DWRF) pays the lesser of the difference between the DWRF rate and PT or DWRF rate and social security; amount increased annually by increase in CPI.
Oklahoma	70	528.00	100% SAWW	301		TT-156 weeks except for good cause shown PT-Life				Maximum amounts adjusted every 3 years based on SAWW. Current rates effective 11/1/02-10/31/05. ⁵⁷
Oregon	66⅓	884.58	133% SAWW	50, or 90% of actual wages, whichever is less		TT-Disability PT-Life	Annually on July 1		PT-Social Security TP-Wages	Percentage of SAWW increased from 100% to 133% effective for injury dates on or after 1/1/2002. Up to 25% increase if unreasonable delay in payment.
Pennsylvania	66⅓	690	100% SAWW	50% SAWW, or 90% of employee's AWW, whichever is less		TT-Disability PT-Disability, but not more than 500 weeks			Unemployment compensation, Social Security (old age) and certain severance and pension payments.	Claimants suffering injuries after 6/24/96 who continue to receive TT for 104 weeks may be required to undergo a medical examination requested within 60 days following expiration of the 104 weeks of receipt of benefits by the insurer to determine the degree of impairment utilizing the AMA Guidelines. A disability rating of less than 50% will result in the employee's compensation being reduced from total to partial status.

Chart VI — Income Benefits for Total Disability, Cont.

Jurisdiction	Percent of Wages	Maximum Weekly Payment		Minimum Weekly Payment		Time Limit	Amount Limit (\$)	Automatic Cost of Living Increase		Offsets	Notations
		Amount (\$)	Rate	Amount (\$)	Rate			Amount	Living		
Puerto Rico ¹⁰⁰	66 $\frac{2}{3}$	65		20		TT-312 weeks PT-Disability	24,300 ^{9d}				Double compensation if employee is under 18 and employed without a government permit. Triple compensation for accidents where a health or safety regulation had been overlooked after due warning had been issued.
Rhode Island	75 (of spendable income)	726.00 ⁹⁹	110% SAWW			Disability		Increases effective 5/10 and are based on the CPI for employees receiving total incapacity benefits for 1 year or partial incapacity extending beyond 312 weeks.			Annual change in maximum effective September 1. Additional \$15 per dependent child under 18; 23 if in an accredited institution; total benefit may not exceed 80% of pre-injury wages. 10% increase if payment not made within 14 days of becoming due — 20% if payment awarded by Court. ⁹⁰
South Carolina	66 $\frac{2}{3}$	577.73	100% SAWW	75 ¹		500 weeks ⁶¹	288,865 ⁹¹				Annual increase in maximum effective January 1.
South Dakota	66 $\frac{2}{3}$	498.00	100% SAWW	249.00	50% SAWW ¹	TT-Disability PT-Life		Yes, for all PTD claims.			Annual increase in maximum effective July 1.
Tennessee	66 $\frac{2}{3}$	618 ⁹²	100% SAWW	92.70		TT-400 weeks PT-Age 65	247,200			Social Security Disability	Annual increase in maximum effective July 1. Compensation may be increased 25% for failure to pay claim.
Texas	70 ⁹³	537	100% SAWW	81	15% SAWW	TT-104 weeks PT-401 weeks	⁶⁴				Maximum and minimum benefits established on September 1 annually. Maximum/minimum benefit in effect on date of injury applicable entire time benefits are payable.
Utah ⁹⁵	66 $\frac{2}{3}$	579	TT-100% SAWW PT-85% SAWW	45		Disability 312 weeks all combinations unless PT				Social Security Disability and Retirement	Annual increase in maximum effective July 1. Additional \$5 if spouse, plus \$5 per dependent child under 18 (up to 4); total benefit may not exceed maximum. ⁹⁵
Vermont ⁹⁴	66 $\frac{2}{3}$	887.00 ⁹⁷	150% SAWW	296.00 ¹	50% SAWW ¹	Disability or medical end result ⁹⁸		July 1			Annual increase in maximum effective July 1. Additional \$10 per unmarried dependent child under 21, total benefits may not exceed pre-injury weekly net income or wages. ⁹⁸
Virgin Islands	66 $\frac{2}{3}$	400	66 $\frac{2}{3}$ % SAWW ⁹⁹	77 ^{1,99}		Disability		After 2 years on January 1		PT-Social Security Disability and Retirement	Annual increase in maximum effective January 1. Total disability benefits begin after medical and vocational rehabilitation end. Compensation increased 15% for injury caused by employer's failure to obey safety order.

Chart VI — Income Benefits for Total Disability, Cont.

Jurisdiction	Percent of Wages	Maximum Weekly Payment		Minimum Weekly Payment		Time Limit	Amount Limit (\$)	Automatic Cost of Living Increase	Offsets	Notations
		Amount (\$)	Rate	Amount (\$)	Rate					
Virginia	66 2/3	691	100% SAWW	172.25	25% SAWW ¹	TT-500 weeks PT-Disability Lifetime ⁷⁰	TT-345,500	1.45 — 10/1/02 2.4 — 10/1/03 ⁷¹		Annual increase in maximum effective July 1. Compensation increased 20% for failure to pay within 2 weeks after due. Benefits subject to child support withholding.
Washington	60 to 75 (depending on marital status and number of dependents)	875.54 ⁷²	120% SAMW	43.19 depending on marital status and number of dependents				July 1	Social Security Disability and Retirement	Annual increase in maximum effective July 1. Benefits payable monthly. 60% of wages, additional 5% of wages for spouse, plus 2% of wages per dependent child (up to 5), up to maximum. Benefits subject to child support withholding.
West Virginia	66 2/3 PT 70% TT	537.52	100% SAWW	144.20	33 1/3% SAWW (subject to Federal minimum WW)	TT-104 weeks PT-Life ⁷³	109,576.48		Reduce Permanent Total by after-tax amount of self-insurance, wage continuation employer provided disability insurance if no employee contribution to plan or premium [23-4-23(b)(1)(2)].	Annual adjustment in maximum and minimum effective July 1. All but Temporary Benefits payable monthly. ⁷⁴
Wisconsin ⁷⁵	66 2/3	687	110% SAWW	20		TT-Disability PT-Life			Social Security	
Wyoming	TT-66 2/3 or SAMW	527 ⁷⁶	77	77	77	TT-24 months PT-Life	78			Quarterly adjustments in maximum effective January 1, April 1, July 1, and October 1. Benefits paid monthly. PT benefit fixed at 66 2/3% of the SAMW.
FECA	66 2/3 or 75	1,548.42	66 2/3% or 75% of highest rate for GS-15	239.301	66 2/3% or 75% of lowest rate for GS-2	TT-Disability PT-Life		March 1	⁷⁹	Benefits paid every four weeks. Annual increase in maximum effective January 2. Higher percentage payable if 1 or more dependents.
Longshore Act	66 2/3	1,030.78	200% NAWW ⁸⁰	252.20 ^{1,80}	50% of NAWW ^{1,80}	Disability		PT-October 1	Jones Act, other workers' compensation benefits	Annual increase in maximum effective October 1.
Alberta [*]	90 (of net income)	762.93		266.71						PT payable monthly. Adjustments are made January 1 annually.
British Columbia ⁴	90 (of average net); not be less than \$1,360.85 per month (s. 22, 23, and RSCM 37.00)	796.97		318.95 unless average earnings are less, in which case worker gets 100% of average earnings (s. 29 and RSCM 34.20) ¹		TT-ends when worker's temporary disability ceases. PT-continues until worker reaches age 65, 2 years post-injury if worker is 63 or older or later if Board is satisfied worker	Maximum annual compensable earnings \$60,700 (RSCM 69.00)	January 1 based on Consumer Price Index minus 1% (s. 25)	50% of any CPP disability deducted. (s. 34(2) and RSCM 36.20)	

Chart VI — Income Benefits for Total Disability, Cont.

Jurisdiction	Percent of Wages	Maximum Weekly Payment		Minimum Weekly Payment		Time Limit	Amount Limit (\$)	Automatic Cost of Living Increase	Offsets	Notations
		Amount (\$)	Rate	Amount (\$)	Rate					
British Columbia, cont.						would have worked past expected retirement. ⁸¹				
Manitoba ⁸	90 (of net average earnings); 80 (after 24 months) ¹⁰⁰	684.67 ⁸²		228.12 ⁸³		To age 65 ⁸⁴	56,310	First day of the month following the second anniversary of the accident and annually thereafter	Canada Pension Plan Disability Benefits, other disability benefits, any payment made by an employer, EI benefits.	Benefits payable periodically. Maximum annual earnings \$56,310. Annual increase in maximum effective January 1.
New Brunswick ⁸	85 (of net earnings)	579.33/ 607.55 ⁸⁵				To age 65 ⁸⁶		Benefits indexed by CPI ⁸⁷ on anniversary of accident.	Remuneration or income replacement from an employment source and proportion of CPP benefits with respect to the injury.	Maximum annual earning is \$50,000, increases annually on January 1, benefits payable bi-weekly.
Newfoundland ⁸	80 (of weekly net earnings)	513.51		No minimum		To age 65 ⁸⁸			75% of employer sponsored pension plan benefits and Canadian Pension Disability Benefits	PT payable monthly. Maximum annual earnings \$45,500.
Northwest Territories ⁸	90 (of net income)	977.38		413.84 ¹		TT-Disability PT-Life				Benefits payable monthly. Maximum annual earnings \$66,500.
Nova Scotia ⁸	75 (of net loss of earnings for first 26 weeks), 85 thereafter	75%— 451.53; 85%— 511.73 ⁹⁰		No minimum		⁹¹		Based on half of the percent change in the CPI for preceeding year, effective January 1.	50% of Canadian Pension Disability	Maximum insurable earnings are 140.2% of average industrial wage for Province. Additional 5% of long-term disability setaside to provide annuity after age 65.
Nunavut ⁸	90 (of net income)	977.38		413.84 ¹		TT-Disability PT-Life				Benefits payable monthly. Maximum annual earnings \$66,500.
Ontario ⁸	85 (of net average earnings) ⁹²	937.72 to 1,007.31	175% of Average Industrial Wage in Ontario	298.02 ⁹³		TT-Disability PT-Life		In accordance with increases in the CPI ⁹⁴		PT payable monthly. Maximum annual earnings \$66,800.
Prince Edward Island ⁸	80 (for first 38 weeks), 85 thereafter	443.76				TT-Disability PT-Life		⁹⁵	Canadian Pension Disability Benefits and employer paid collateral benefits.	Payable biweekly. Maximum annual earnings \$40,000.
Quebec ⁸	90 (of weighted net income) ⁹⁶	642.39 to 738.41		222.00 to 246.18		TT-Disability ⁹⁷ PT-to age 68		January 1		PT payable biweekly. Maximum annual earnings \$53,500 effective 1/1/2003.

Chart VI — Income Benefits for Total Disability, Cont.

Jurisdiction	Percent of Wages	Maximum Weekly Payment		Minimum Weekly Payment		Time Limit	Amount Limit (\$)	Automatic Cost of Living Increase	Offsets	Notations
		Amount (\$)	Rate	Amount (\$)	Rate					
Saskatchewan*	90 (of net income)	917.30 ⁹⁰	⁹⁹	312.52 ⁹⁹		TT-Disability Earnings Loss - Life		Payments indexed by CPI on anniversary of earnings loss	50% of Canadian Pension after 12 months	Earnings Replacement payable monthly. Assessable maximum is \$53,000. After 2 years' disability, an amount equal to 10% of compensation is set aside to purchase annuity for benefits after age 65.
Yukon Territory*	75 or 100 ⁵	946.44		306.88 ¹		Age 65		12 months from date of accident		Maximum assessable earnings \$65,800.
Canadian Merchant Seaman's Act ⁴	75	604.11		156.32		TT-Disability PT-Life				Benefits payable monthly. Maximum annual earnings \$42,000. Gov-in Council may raise benefits to level in maritime provinces.

Notes

1. Actual wage if less.
2. Amounts shown in italics have been calculated.
3. Social security offsets generally apply by formula up to 50% of basic benefit.
4. All amounts are reported in Canadian dollars.
5. Injured workers who earn equal to or less than \$16,000 will receive wage loss benefits, which equal 100% of their gross salary. If earning more than \$16,000 an injured worker will receive 75% of their gross salary or \$16,000, whichever is greater.
6. Reflects maximum (net) for worker with dependent spouse and 2 dependent children.
7. Alabama — Compensation may be increased up to 15% for failure to pay within 30 days after due. Disqualification may occur if impaired by illegal drugs causes an accident. A drug test may be performed after an accident. No compensation awarded if employee refuses to submit to drug test.
8. Alaska — Spendable weekly earnings if less. \$183 with wage documents; \$110 without wage documents.
9. Arkansas — 18% penalty for failure to pay without an award, 20% penalty for failure to pay with an award. Benefits are subject to child support withholding. Ark. code Ann. § 11-9-522(f)(1) provides: Permanent total disability benefits shall be paid during the period of such permanent total disability until the employee reaches the age of 65; provided, with respect to permanent total disabilities resulting from injuries which occur after age 60, regardless of the age of the employee, permanent total disability benefits are payable for a period of 260 weeks.
10. California — Maximum weekly payment covers injuries occurring on or after 1/1/04; minimum benefit is \$126 per week.
11. Colorado — TT payments cease when claimant reaches MMI, is released or is able to

- return to work or as otherwise determined by the statutes.
12. Connecticut — 75% of the AWW if less.
13. District of Columbia — Maximum is 100% of the SAWV; minimum is 25% of the SAWV for PP and PT.
14. Florida — Compensation increased 20% of payment if not paid within 7 days after it becomes due; \$50.00 fine for late installments within a 90-95% timely threshold; \$100 per late installment for late installments below the 90% timely threshold.
15. Florida — No compensation is payable if injury was caused primarily by the use of any drug, including alcohol. If employee refuses to take a drug test, it is presumed that drug use caused the accident.
16. Georgia — Income payable without award increased 15% if not paid within 21 days of becoming due unless claim is controverted or Board excuses. Awarded benefits increased 20% if not paid within 20 days unless Board grants review. No compensation payable if employee was intoxicated or under the influence of a controlled substance. Blood alcohol reading of .08 within 3 hours of accident or confirmation of controlled substance within 8 hours of accident creates rebuttable presumption that it was the proximate cause of the accident.
17. Idaho — If at minimum as of 7/1/91, no children are considered if accident occurred prior to 7/1/91.
18. Idaho — Benefits reduced 100% if use of a controlled substance or alcohol is "proximate cause of injury." Additionally, increase for each dependent child under age 18 is for injuries incurred prior to 7/1/91 only.
19. Illinois — Minimum TT benefit is \$100.90, if unmarried, ranges up to \$124.30 if 4 or more dependents. In all cases claimant receives actual wage if less. Maximum weekly payment of

- \$1,019.73 and PT minimum of \$382.40 are effective as of 1/15/04.
20. Illinois — TT benefits may be increased \$10 per day, up to \$2,500, for unreasonable delay in payment; 14 days presumed unreasonable. Compensation may be increased 50% for unreasonable or vexatious delay in payment. Compensation may be increased 25% for employer's willful safety violation.
21. Indiana — TT disability benefits subject to child support withholding.
22. Indiana — Award is increased 5% if employer loses on court appeal; court may increase 10%.
23. Iowa — Elected or appointed officials may choose to have their compensation based on their weekly earnings or they may choose to receive compensation equal to 140% of the SAWV.
24. Iowa — Effective July 1, 2003, maximum for PT disability is \$1,042.
25. Iowa — Minimum weekly benefit amount for PP disability, PT disability, or death equal to the weekly benefit amount of a person whose gross weekly earnings are 35% of SAWV.
26. Kentucky — 80% of the AWW during rehabilitation.
27. Louisiana — TT payable until claimant reaches MMI or for 6 months, whichever is less; claimant may, however, submit a claim for an extension.
29. Louisiana — 12% interest if undue delay in payment.
30. Maine — Dates of injury prior to 1993 receive cost of living adjustments each year. The SAWV is calculated each year around the end of June. The SAWV is the basis for calculating maximum benefits, annual cost of living adjustments, and impairment awards. A new multiplier is calculated each July 1, obtained by dividing the new SAWV by the preceding year's average

Chart VI — Income Benefits for Total Disability, Cont.

Notes

weekly wage. For partial incapacity benefits, compensation paid to employee for duration of disability if work-related injury results in permanent impairment of in excess of the threshold (see n. 31). Other cases, payment of partial compensation limited to 364 weeks.

31. Maine — Carrier may be assessed up to \$200 per day for failure to pay award within 10 days. Some dates of injury prior to 1993 receive cost of living adjustments each year. Effective January 1, 1998, for dates of injury from and including 1/1/93 to and including 12/31/99, the permanent impairment threshold was reduced from in excess of 15% to 11.8% or greater. For dates of injury on or after 1/1/03, the threshold is 13.2%.

32. Massachusetts — Maximum limited by weeks of eligibility rather than dollar amounts.

33. Massachusetts — Double compensation if injury due to employer's serious and willful misconduct. If no benefits are paid prior to final decision of claim, award is based on benefits in effect at time of decision instead of date of injury. Eligible for supplementary benefits after 24 months, calculated on October 1, equal to base benefit times percent increase in the SAWW over the SAWW at time of injury.

34. Michigan — Conclusive presumption of PT disability does not exceed beyond 800 weeks from injury; thereafter determined in accordance with facts.

35. Michigan — Benefits reduced if eligible for Social Security and benefits are not being coordinated.

36. Michigan — Additional \$50 per day penalty if uncontested benefits are unpaid after 30 days; \$1500 maximum.

37. Minnesota — Or employee's AWW, whichever is less.

38. Minnesota — Different provisions apply to injuries prior to October 1, 1995.

39. Minnesota — Offset for government disability benefits from same injury.

40. Mississippi — Lump sum awarded in special cases, equal to present value of future payments.

41. Mississippi — Except in cases of partial dependency or partial disability.

42. Mississippi — If award is not paid within 14 days, 20% interest added (10% if no award).

43. Missouri — Compensation increased 15% if injury caused by failure to comply with statute or order; decreased 15% if caused by worker's failure to use safety device.

44. Missouri — If employer has a drug-free workplace program and the injury was primarily caused by intoxication, employee forfeits right to benefits.

45. Montana — Compensation terminates upon receipt of or eligibility for Social Security Retirement benefits, when claimant is receiving PT disability benefits.

46. Nebraska — Injuries caused by employee's intoxication or willful negligence are not compensable. Exception to employee's exclusive remedy is the willful and unprovoked physical aggression by a co-employee, officer or director. Lump sum settlements may be discounted to PV upon the basis of interest calculated at 5% per annum with annual rests.

47. Nevada — Maximum compensation is \$90.83/day for an injured employee whose date of injury occurred between 7/01/2003-6/30/04. The date of injury establishes the compensation rate.

48. New Hampshire — Any claimant who holds 2 jobs concurrently shall have their AWW computed from their two salaries, but not to exceed 100% of their after tax earnings.

49. New Hampshire — If AWW is 30% or less of the SAWW, employee is then compensated at rate equal to their AWW but not to exceed 90% of employee's after tax earnings.

50. New Hampshire — Employer not liable for injury if worker was intoxicated by a non-prescription controlled substance unless employer was aware of intoxication.

51. New Mexico — Except for total disability resulting from primary mental impairment in which case the maximum period is 100 weeks.

52. New Mexico — If determined award is not paid timely, a workers' compensation judge may order the entire balance of the award due.

53. New York — No compensation paid if injury caused solely by intoxication from alcohol or controlled substance; additionally, no compensation is paid if injury is caused by willful intention to injure oneself or another.

54. North Dakota — Offset for retirement may not exceed 40% of weekly Social Security benefit. Offset for disability may not exceed 50% of weekly Social Security benefit. If eligible to receive supplemental benefits, claimant may receive minimum of \$278 per week.

55. Ohio — Maximum PT rate is 66% of the SAWW unless claimant receives Social Security, which combined with PT, brings maximum up to 100% of the SAWW.

56. Ohio — After 200 weeks, claimant examined to determine if disability is permanent. Claimant who receives an initial award of 90 days TT compensation will be required to be examined by bureau to determine continued eligibility for compensation, rehabilitation and medical treatment.

57. Oklahoma — 10% penalty if not paid within 10 days after becoming due.

58. Puerto Rico — May be paid in monthly installments of \$65 to \$200 for life; if converted to lump sum payment, total sum not to exceed \$24,300.

59. Rhode Island — Total award (TT and payments to dependents) may not exceed 80% of the AWW.

60. Rhode Island — No compensation for PT disability if worker is earning pre-injury wages. Lump sum benefits available after benefits have been received for 6 months. Dependency allowance may be increased if the number of dependents increases during the time when an employee is receiving weekly benefits. Medical review required 26 weeks from date of compensable injury.

61. South Carolina — Person who is paraplegic or quadriplegic or has suffered brain damage shall receive PT benefits for life. Commission may not order lump sum payment in such cases.

62. Tennessee — Weekly rate applies to Temporary Total Disability and Permanent, Partial or

Total Disability. Permanent Disability is paid from date injury is determined to be permanent.

63. Texas — 75% if earning less than \$8.50 per hour for first 26 weeks. 70% thereafter.

64. Texas — For life in cases of amputation or paralysis of two limbs, loss of vision in both eyes, third degree burns over 40% of body and requiring skin grafts, or permanent insanity at rate of 75% of the AWW. 3% annual increase granted for lifetime income.

65. Utah — Compensation provided by the Utah Workers' Compensation Act shall be reduced 15% when injury is caused by the willful failure of the employee to use safety devices when provided by the employer; or to obey any order or reasonable rule adopted by the employer for the safety of the employee. Disability compensation may not be awarded under the Utah Occupational Disease Act when the major contributing cause of the employee's injury is the use of illegal substances, intentional abuse of prescribed drugs and intoxication from alcohol with a blood or breath alcohol concentration of .08 gram or greater. For purposes of Subsection 2 of the Occupational Disease Act, it is presumed that the major contributing cause of the employee's injury is the employee's conduct described in subsection 2-b-i through iii if at the time of injury, as shown by a chemical test.

The presumption created under Subsection 3-a may be rebutted by evidence. PT Disability beyond 312 weeks payable from Employers' Reinsurance Fund, minimum 36% of the SAWW. Employers and carriers have lifetime responsibility for injuries occurring after 7/1/94.

66. Vermont — Employer must notify employee, who has not successfully returned to work (unless employee successfully returns to suitable employment) and the Commissioner, prior to terminating TT disability payments. Notice of payment discontinuation must include date, documented reason for discontinuation, and supporting evidence.

67. Vermont — PT benefits payable at least 330 weeks, after temporary disability benefits cease. After 330 weeks, PT benefits continue while there is lost earning capacity.

68. Vermont — Benefits may be disallowed if injury results from worker's failure to use safety device.

69. Virgin Islands — During vocational retraining, income benefits are 75% of the AWW, maximum SAWW, minimum \$75 or actual wage if less.

70. Virginia — Lifetime for permanent total disability.

71. Virginia — Recipient of Social Security may be eligible for cost of living increases.

72. Washington — Maximum monthly benefit is \$3,794.00 effective 7/1/03 to 6/30/04.

73. West Virginia — Employees of the state or any of its subdivisions may not simultaneously receive temporary workers' compensation benefits and sick/vacation pay.

74. West Virginia — All awards with dates of injury before 5/12/95 and awarded before 7/1/01 until death. If date of injury is on or after 5/12/95 and award is before 7/1/03, then until claimant attains age 65. All awards made on or after 7/1/01

Notes, Cont.

(monthly limit for dependent is \$1,240). Each orphan receives \$620 monthly. Total monthly payments to dependents other than a spouse cannot exceed \$2,480.

107. New Brunswick — Spouse with or without children receives 80% of average net income for 1 year or to age 65. After 1 year, spouse must elect one of the following: 85% average net not to exceed 85% net family income, plus a 5% annuity for a pension at age 65 or 60% of average net income, plus a lump sum award, plus a specified amount for each dependent child, plus an 8% annuity for a pension at age 65. Figures represent maximum per week, less any Canada Pension Plan (CPP) Surviving Spousal Benefits that they receive.

108. Newfoundland — Spouse receives lump sum equal to the greater of \$15,000 or 26 times the weekly net earnings of worker. Monthly benefit is based on 80% of worker's net earnings.

109. Newfoundland — Less CCP survivor benefits.

110. Northwest Territories — Fixed monthly benefit is \$1,828.75 plus \$415.65 monthly per child.

111. Nova Scotia — Benefits include a \$15,000 lump sum payment. In addition, the spouse receives a Survivor Pension equivalent to 85% of the worker's net average earnings before the accident. Dependent children paid \$196.00 per month through age 18, or age 25 if still in school.

112. Nunavut — Fixed monthly benefit is \$1,828.75 plus \$415.65 monthly per child.

113. Ontario — Lump sum payment is determined on a sliding scale depending on the age of the surviving spouse with a maximum of \$95,989.19 and a minimum of \$31,996.39 for 2002.

114. Ontario — The weekly maximum is dependent on deceased worker's accident earnings and taxation code. CPP amount is offset in the calculation.

115. Prince Edward Island — Spouse receives 70% of wage loss otherwise payable to worker. Dependent child receives 10% of wage loss otherwise payable to worker until 18 years of age (22 if in school). Total payment for all children may not exceed 30% of workers' compensation benefits.

116. Québec — Spouse entitled to lump sum from \$85,153 to \$170,306. In addition, spouse entitled to monthly income replacement indemnity equal to 55% of employee's pre-injury wages for 1 to 3 years (myears according to age of surviving spouse, plus \$427 monthly for each minor child. Lump sum between \$15,330 and \$85,153 to child under 25, who is full time student, or a disabled child. Parents of a deceased worker with non-dependents receive a lump sum of \$5,109 to each parent.

117. Saskatchewan — Full-time students age 18-25: maximum of 3 years of monthly allowance of \$387.24, plus tuition, books and fees.

118. Yukon — Benefits paid monthly. Surviving spouses receive 3.125% of the maximum rate for the year of payment. Dependent children receive a pension at 1.25% of the maximum wage rate for the year of payment.

119. Yukon — Additional burial expenses to maximum of \$2,000.

120. C.M.S.C.A. — Benefits paid monthly.

121. C.M.S.C.A. — Plus \$161.18 per month per child.

122. Figures could not be confirmed at the time of publication; information taken from the 2003 Analysis.

123. Saskatchewan — Minimum compensation is to be not less than this amount or the actual amount of the fatally injured spouse's average earnings if they are less.

124. Alberta — Benefits payable to a dependent spouse 5 years after youngest child reaches 18 years, or beyond certain circumstances.

125. Maryland — Wholly Dependent Child: up to \$45,000 and thereafter as long as child remains wholly dependent. At age 18, benefits cease unless: child remains wholly dependent and is incapable of self-support because of a mental or physical disability or some other sufficient reason as determined by the WCC; or the child is attending school on a full-time basis in an educational program or vocational training program accredited or approved by the State Department of Education for up to 5 years after reaching the age of 18. Wholly Dependent Spouse: up to \$45,000.00 and thereafter so long as spouse remains totally dependent. If a spouse becomes wholly self-supporting, benefits cease once \$45,000.00 has been

paid. A surviving spouse without dependent children, who remarries, continues to receive payments for two (2) years after remarriage. A surviving spouse with dependent children, who remarries, loses benefits immediately upon remarriage. If a wholly dependent spouse becomes partly self-supporting, benefits continue until \$60,000.00 has been paid.

126. British Columbia — Amounts adjusted January 1 and July 1 by Consumer Price Index.

127. Idaho — If prior to 7/1/91.

128. Oklahoma — The maximum weekly income benefits payable to all beneficiaries varies depending upon the deceased's average weekly wage (AWW). If the deceased's AWW is less than the state's average weekly wage (SAWW), the aggregate weekly income benefits payable to all beneficiaries shall not exceed 100% of the deceased AWW. If the deceased's AWW equals or exceeds the SAWW, the aggregate weekly income benefits payable to all beneficiaries shall not exceed the SAWW. The maximum weekly income benefit payable to the surviving spouse (no children) is 70% of the deceased's AWW, not to exceed 70% of the deceased AWW if such wage is less than the SAWW or not to exceed 70% of the SAWW if the deceased's AWW equals or exceeds the SAWW.

129. New Mexico — With no children.

130. To spouse for life.

131. British Columbia — Percent of wages — For a spouse plus only 1 child, 85% of PT Disability rate minus 50% of CPP death benefits (s. 17(3) and RSCM C8-56.00); Maximum per week — \$2,480.62.

132. British Columbia — For the spouse fifty years old and up, or invalid — Percent of wages is the difference between 60% of the PT Disability rate and 50% of the CPP death benefits. For spouses under 50 years of age, Percent of wages: Permanent Total Disability rate multiplied by, 60% minus 1%/year that spouse's age <50 to a minimum of 30%, and then minus 50% of CPP death benefits. (RSCM C8-56.10); Maximum per week: age 49 — \$1,719.21; age 48 — \$1,686.22; age 47 — \$1,653.23; etc., down to spousal min — \$903.34. Benefit calculated using \$30,116.25/a as worker's minimum average earnings (RSCM 56.00).

Chart IX — Waiting Period for Income/Medical Benefits

Jurisdiction	Choice of Physician ²				Medical Benefits	
	Waiting Period ¹	Retroactive Period	Unlimited ¹	Employer	Employee	Artificial Appliances Furnished
Alabama	3 days ⁴	21 days	Yes	Initial choice	Yes	Yes
Alaska	3 days	4 weeks	Subject to frequency standard	Yes	Yes	Yes
Arizona	7 days	2 weeks	Yes	Yes ⁶	Yes ⁶	Yes
Arkansas	7 days ⁷	2 weeks	No ⁸	Initial, from among those associated with managed care entities certified by the Commission.	Yes	Yes
California	3 days ⁹	14 days ¹⁰	Yes	If employee has not pre-designated a physician before time of injury, they may change to treating physician of their choice 30 days after injury. If employer offers managed care options, employer control of care may extend up to 365 days.	Yes	Yes
Colorado	3 days	2 weeks	Yes	Initial choice	Yes	Yes
Connecticut	3 days	1 week	Yes	From state list	Yes ¹¹	Yes ¹¹
Delaware	3 days ¹²	7 days ¹²	Yes	Yes	Yes	Yes
District of Columbia	3 days	2 weeks	Yes	Yes	Yes	Yes
Florida	7 days ¹³	21 days	Yes ¹³	Yes ¹²	Yes	Yes
Georgia	7 days	21 days	Yes	Agency may change	From employer list	Yes ¹⁴
Guam ¹⁴	3 days	14 days	Yes	After application to Commissioner for change	Yes	Yes
Hawaii	3 days—TTD only		Yes	Yes	Yes	Yes
Idaho	5 days ¹⁵	2 weeks ¹⁵	Yes	Yes	May apply to Commission	Yes
Illinois	3 days ¹⁶	2 weeks	Yes	Yes, with limitations	Yes	Yes
Indiana	7 days	3 weeks	Yes	Yes	Yes	Yes
<p>Employer must replace appliances damaged in work-related accident and provide physical and vocational rehabilitation.</p> <p>Injury includes damages to eyeglasses, dentures, hearing aids or any prosthetic devices.</p> <p>Prayer or spiritual treatment by agreement.</p> <p>Spiritual treatment by agreement. Glasses, contact lenses, hearing aids. Reasonable travel expenses to obtain treatment.</p> <p>Includes x-ray reports, medical reports, and testimony and laboratory fees reasonably required to prove a claim.¹⁷ If requested, an employee may change physicians at any time, one time only.</p> <p>Worker compensated for time lost due to medical attention. Employer must repair/replace appliances damaged in employment, including eyeglasses, contact lenses, hearing aids, or dentures where injury to face or head. Prayer or spiritual treatment with Commissioner's approval.</p> <p>Employer must replace prosthesis and furnish hearing aids as needed.</p> <p>Spiritual treatment by agreement. Medical care furnished or scheduled to be furnished is subject to utilization review for determinations of necessity, character or sufficiency of care or service.</p> <p>Injury includes damage to dentures, eyeglasses, and prosthetic devices in conjunction with accident. Employer must provide custodial care.</p> <p>Employee may be examined (at employer's expense) by physician of choice within 60 days of receiving any income benefits.</p> <p>Maximum monthly attendant's allowance—4 times the SAWW.</p> <p>Christian Science treatment permitted.</p> <p>Spiritual treatment by agreement. Employer must repair/replace appliances damaged in compensable accident.</p> <p>Employer must reimburse employees based on their average daily wage for lost work due to medical treatments or travel to or from the place of treatment. Spiritual treatment by agreement. Artificial members replaced by Second Injury Fund.</p>						

Chart IX — Waiting Period for Income/Medical Benefits, Cont.

Jurisdiction	Choice of Physician ²				Medical Benefits	
	Waiting Period ¹	Retroactive Period	Unlimited ³	Employer	Employee	Artificial Appliances Furnished
Iowa	3 days ¹⁷	14 days	Yes	Yes	Yes	Yes
Kansas	7 days ¹⁸	3 weeks	Yes	Yes	Yes ¹⁸	Yes
Kentucky	7 days	2 weeks	Yes ³	May provide managed health care system ¹	Yes ²⁰	Yes
Louisiana	7 days	6 weeks	Yes	Yes ²¹	Yes ²²	Yes
Maine	7 days ²³	2 weeks	Yes ²⁴	Yes ²⁵	Yes, after 10 days	Yes
Maryland	3 days for temporary total disability	After 14 days	Yes		Yes	Yes
Massachusetts	5 days	21 days	Yes		Yes	Yes
Michigan	7 days	2 weeks	Yes	Initial choice ²⁶		Yes
Minnesota ²⁷	3 days	10 days	Yes—Treatment parameters describe reasonable treatment	Agency may change	Yes ²⁷	Yes
Mississippi	5 days	2 weeks	Yes		Yes	Yes
Missouri	3 days	14 days	Yes ²⁸	Agency may change	Yes	Yes
Montana	4 days or 32 hours, whichever is less ²⁹		Employers and self-insurers		Yes	Yes
Nebraska	7 days ³⁰	6 weeks	Yes	Yes ³⁰	Yes ³¹	Yes
Nevada	5 days ³²	5 days ³²	Yes	Yes ³³	Yes ³⁴	Yes
New Hampshire	3 days	14 days or more	Yes ³⁵		Initial choice (within a network if managed care)	Yes
New Jersey	7 days	8 days	Yes ³⁶	Yes		Yes
New Mexico	7 days	4 weeks	Yes	Yes	Yes	Yes
New York	7 days/income only	2 weeks	Yes	PPOs	From state list of authorized physicians	Yes ³⁷

Employer must repair/replace appliances.
Prayer or spiritual treatment permitted by agreement.¹⁹
Managed care system is subject to utilization review. Employee may choose provider in system; may obtain second opinion if surgery recommended; and may obtain treatment outside the system if it is unavailable in the system.

Employer must repair/replace appliances.
Chiropractic services authorized. Prayer or spiritual means of treatment by an accredited practitioner.

Employer must repair/replace appliances. If employer or insurer fails to pay for treatment or services within 45 days, Commission may assess a fine of more than 20% of approved charges. Also, subject to interest.

Christian Science treatment by agreement. Injury is reportable to the Division. Employer is to repair/replace appliances.

Employee's choice limited to one (1) provider.
Prayer or spiritual treatment by agreement. Chiropractic care authorized.
Reasonable lifetime medical and travel benefits provided. Determinations of disability must be supported by a preponderance of objective medical findings. Limitations apply once claimant reaches maximum stability. Certain co-payments may apply. Other limitations include secondary medical services, drug reimbursement, palliative or maintenance care and unscientific treatment. Medical benefits terminated if not used for 60 consecutive months.

Employer must replace appliances damaged due to compensable injury. Employer must provide plastic surgery for disfigurement.

Spiritual treatment permitted.
If appliances are damaged or destroyed at the time of injury, the employer shall pay the cost of repair or replacement.
Hospital care must be semi-private, if available.

The party not making the initial choice has the right to change health care provider after sixty days or when treatment is unreasonable.
Employer liable for medical care, nursing/hospital services, prosthetic devices, podiatry and chiropractic care. Employer liable for psychological care upon referral from authorized physician. Surgery, specialist consultations, therapy, x-rays, special diagnostic tests more than \$500 require preauthorization from employer except in emergency. 30 day opt out PPOs; collective bargaining for PPO to be enforceable in unionized setting.

Chart IX — Waiting Period for Income/Medical Benefits, Cont.

Jurisdiction	Waiting Period ¹	Retroactive Period	Choice of Physician ²			Artificial Appliances Furnished	Medical Benefits	
			Unlimited ³	Employer	Employee		Special Provisions	
North Carolina	7 days	3 weeks	Yes	Yes	Agency may change	Yes	Employee must repair/replace appliances damaged in compensable accident. Medical care includes rehabilitation services.	
North Dakota	5 days	5 days	Yes	Yes	Yes. WSI may change	Yes	Employee has first choice of treating doctor. Employers in risk management program may designate a medical provider for workers' compensation injuries.	
Ohio	7 days	2 weeks	Yes		Yes	Yes	Included hospitalization and damages to eyeglasses, dentures, hearing aids or prostheses.	
Oklahoma	3 days		Yes	Yes, within 3 days of actual knowledge of the injury or per a Certified Workplace Medical Plan (CWMP) (Managed Care)	Yes, emergency medical care and if the employer fails or neglects to provide treatment within 3 days after actual knowledge of the injury	Yes	Employer must repair/replace appliances. Special provisions for hernias.	
Oregon	3 days	2 weeks	Yes ³⁸		Yes ³⁹	Yes	Spiritual treatment by agreement. Insurer/employer may provide medical treatment through an approved Managed Care Organization.	
Pennsylvania	7 days	2 weeks	Yes	Initial choice ⁴⁰		Yes		
Puerto Rico ⁴²	3 days ⁴¹	10 days	Yes ⁴²		Yes, State Agency will examine too.	Yes ⁴³	When permanently and totally disabled, Administrator will provide orthopedic girdle, crutches, cane, wheelchair, hospital bed, and other equipment necessary.	
Rhode Island	3 days		Yes ⁴⁴	Yes ⁴⁵	Yes ⁴⁵	Yes	Injury includes damage to and cost of replacement of eyeglasses, hearing aids and prosthetic devices.	
South Carolina	7 days	2 weeks	Yes	Yes		Yes	Injury includes damage to and cost of replacement of eyeglasses, hearing aids and prosthetic devices.	
South Dakota	7 days ⁴⁶	7 days	Yes		Yes	Yes	Employer must repair/replace appliances damaged in compensable accident.	
Tennessee	7 days	14 days	Yes		From employer list	Yes	Provides for nursing services and treatment by chiropractors and psychologists.	
Texas	7 days	4 weeks	Yes ⁴⁷		Yes ⁴⁸	Yes		
Utah	3 days	14 days	Yes	Agency may change ⁴⁹	Yes, one change	Yes	Reasonable amounts awarded for repair/replacement of artificial appliances.	
Vermont	3 days	10 days	Yes	Agency may change. Employer may choose	Employee may change	Yes	Injury includes damage to and cost of replacement of eye glasses, hearing aids and prosthetic devices. Employer must not withhold any wages from an employee if the employee's absence is for an examination or treatment of a work injury.	
Virgin Islands	0 days	None	No ⁴⁸	Initial choice		Yes	\$200,000 limit for specialized treatment not available in the Virgin Islands. ⁵⁰	
Virginia	7 days	3 weeks	Yes		From employer list	Yes	Employer must repair/replace appliances damaged in compensable accident. Employer may be ordered to make alternations to home, maximum \$25,000.	
Washington	3 days	2 weeks	Yes		Yes	Yes	Employees of State Fund employers may pay half of medical aid premiums. Self-insured premiums/costs are fully covered by the employer.	

Chart IX — Waiting Period for Income/Medical Benefits, Cont.

Jurisdiction	Choice of Physician ²				Medical Benefits	
	Waiting Period ¹	Retroactive Period	Employer	Employee	Artificial Appliances Furnished	Special Provisions
West Virginia	3 days	1 week	Yes ⁵¹	May have a preferred list or Commission managed care system. If no such system, unrestricted choice	Yes	Payment for prosthetic/orthotic appliances if medically necessary. Repair or replacement of glasses damaged in an accident not reimbursable unless there is a compensable injury.
Wisconsin	3 days	1 week	Yes	Yes	Yes	Repair/replacement of appliance is limited to normal wear and tear. Dental care, eyeglasses and hearing aids are also covered. Repair/replacement of eyeglasses and hearing aids not paid for unless damaged in compensable accident. Employer or insurer may request that a physician examine injured employee to determine reasonableness of claim.
Wyoming	3 days	9 days	Yes	Yes	Yes	All medical bills audited according to promulgated fee schedule.
FECA	3 days ⁵²	2 weeks	Yes	Yes	Yes	Additional amount (up to \$1,500) monthly for medical attendant.
Longshore Act	3 days	2 weeks	Yes	Labor Secretary may change	Yes	Consent for specialist, if needed. Spiritual treatment permitted.
Alberta	1 day	1 day	Yes	Yes	Yes	Appliances repaired/replaced by Board. Board may repair/replace garment damaged in compensable accident. Clothing allowance for wear due to prosthetic or wheelchair-up to \$200 per year for upper body and \$300 per year for lower body. Attendance allowance determined by the degree of personal care required and will reflect actual and reasonable costs or competitive rates.
British Columbia	1 day ⁵⁴		Yes ⁵⁵	Yes ⁵⁶	Yes ⁵⁷	Appliances repaired/replaced at Board's discretion where damaged or broken as the result of compensable accident. Eyeglasses, dentures, and hearing aids replaced/repaid even where no injury as long as accident corroborated and worker not at fault. Board may provide protective eyeglasses where serious visual impairment caused by work injury. Additional allowances available: Personal care allowance; annual Clothing Allowance (for wear due to prosthesis); Independence and Home Maintenance Allowance; Subsistence Allowance (whenever traveling for medical care). ⁵⁸
Manitoba ⁵⁵	1 day		Yes	Yes	Yes	Medical aid includes repair/replacement of damaged or lost clothing or personal appliance if personal injury. Personal appliances include eyeglasses, contact lenses, and prosthetic devices. Clothing allowance for additional wear — \$253 for upper body, \$506 for lower body, \$759 for upper and lower body, \$759 for wheelchair users. ⁵⁷ Level of attendance services depends on the reasonable level of care required. Emergency expenditures — \$5,000 maximum.
New Brunswick	3 days—waived when hospitalization is required	20 working days	Yes	No	Yes	Medical aid includes repair/replacement of appliances. Clothing allowance for wear and tear due to prosthesis is \$214 yearly per extremity. Care Allowances from \$250.71 to \$835.68 monthly.
Newfoundland	1 day	⁵⁹	Yes	Initially yes; should consult Commission before changing	Yes	Commission may repair/replace appliances and may pay daily allowance for treatment away from home. Clothing allowance for wear due to prosthetic device — \$300 annually. Personal care allowance — based on worker's individual needs.
Northwest Territories	1 day		Yes	Yes	Yes	Clothing allowance for wear due to prosthetic device — \$500. Board may repair/replace appliances damaged in a compensable accident.

Chart IX — Waiting Period for Income/Medical Benefits, Cont.

Jurisdiction	Choice of Physician ²			Medical Benefits	
	Waiting Period ¹	Retroactive Period	Unlimited ¹	Employer	Employee
Nova Scotia	2 days ^{54, 55}	⁵⁶ Waiting period paid if off five weeks.	Yes	Yes ⁵⁶	Yes
Nunavut	1 day		Yes		Yes
Ontario	1 day	⁵⁷	Yes	⁵⁸	Initial choice
Prince Edward Island	3/4 or 60% of weekly benefit payable	Waiting period paid if off more than 4 weeks	Yes	No	Initial choice
Québec	Day of injury ⁵⁹		Yes		Yes
Saskatchewan	Earnings loss benefits not paid for the day of injury	Earnings loss benefits not paid for the day of injury	Yes		Yes
Yukon Territory	Earnings loss benefits not paid for the day of injury	Earnings loss benefits not paid for the day of injury	Yes		Yes
Canadian Merchant Seaman's Act	3 days	3 days	Yes		Yes

Notes

1. If disability continues for longer than stated retroactive periods, compensation is paid for the waiting period. Waiting periods do not apply to medical care, which is furnished from the first day of injury.
2. Information supplied by Division of State Workers' Compensation Programs, U.S. Department of Labor.
3. Many states have introduced medical fee schedules to control payments made to providers for medical care under the workers' compensation programs. Medical benefits remain "unlimited" in those states indicated, but employers and insurers are only liable for the amounts set forth in the medical fee schedule. Employees cannot be held accountable for any amount charged above and beyond the medical fee schedule.
4. Alabama — Temporary disability only.
5. Alabama — Employee may select a second physician from a panel of four selected by the employer; if the employee is dissatisfied with the initial treating physician and further treatment is required.
6. Arizona — Employee has freedom of choice after one visit as directed by employer. Self-insured employers may elect to direct all medical.
7. Arkansas — Waiting period does not apply to medical benefits.
8. Arkansas — May cease 6 months after injury when no time from work is lost (or 6 months after claimant returns to work), or maximum \$10,000 has been paid, unless the employer may waive rights and Commission may extend limits.
9. California — Waiting period also terminated by hospitalization.
10. California — Psychologists and acupuncturists included within definition of physician and treatment permitted. Personal care.
11. Connecticut — By court decision, Olmstead v. Lamphier, 93 Conn. 20, 104 A. 488 (1918).
12. Delaware — No waiting period for medical treatment or period if incapacity results in hospitalization or is caused by amputation of member.
13. Florida — After injured worker reaches MMI, the employee is responsible for each medical visit. Carrier and/or employee is allowed payment for each independent medical examiner in disputes concerning over-utilization, medical benefits, compensability, or disability.
14. Georgia — Included in total amount allowed for medical care.

chiropractor allowed if employee has previously notified employer that chiropractic treatments were being rendered.

11. Connecticut — By court decision, Olmstead v. Lamphier, 93 Conn. 20, 104 A. 488 (1918).

12. Delaware — No waiting period for medical treatment or period if incapacity results in hospitalization or is caused by amputation of member.

13. Florida — After injured worker reaches MMI, the employee is responsible for each medical visit. Carrier and/or employee is allowed payment for each independent medical examiner in disputes concerning over-utilization, medical benefits, compensability, or disability.

14. Georgia — Included in total amount allowed for medical care.

Notes, Cont.

15. Idaho — Waiting period also terminated by hospitalization.
16. Illinois — TTD only.
17. Iowa — No waiting period for PP disability.
18. Kansas — Waiting period retroactive after 3 weeks. Employee may consult a physician of his own choice at any time but employer is only liable for fees and charges up to \$500 for treatment. This unauthorized medical treatment cannot be used to obtain functional impairment ratings.
19. Kansas — Director must adopt rules which establish a maximum medical fee schedule, subject to approval of an advisory panel. Fee schedule to be revised every two years.
20. Kentucky — "Gatekeeper" physician may be required to file a treatment plan, not necessary in every case. In addition, bills subjected to medical bill audit and may be required to go through utilization review.
21. Louisiana — Choice of examining physician.
22. Louisiana — Choice of treating physician.
23. Maine — Fire fighters are exempt from waiting period and receive compensation from date of disability.
24. Maine — Subject to a medical fee schedule.
25. Maine — Employer has initial choice of physician. After 10 days, employee may select different health care provider. Employee may not change health care provider more than once without employer or Board approval. This does not apply if referred to specialist.
26. Michigan — Employer may choose physician for first 10 days of treatment, thereafter, the employee may choose own physician by giving notice to employer.
27. Minnesota — If the employer has a managed care plan, the employee must choose among the physicians within the plan, with certain exceptions.
28. Missouri — Employer retains the right to choose the physician. Medical Fee Dispute procedure established.
29. Montana — Waiting period refers to number of days (hours) on which a worker has lost wages and is totally disabled and unable to work.
30. Nebraska — Only if employee is informed of right to choose treating physician and does not have a physician with a record of previous treatment of employee or family member.
31. Nebraska — Only if employee has a treating physician with a record of previous treatment with employee or family member. If employer does not inform employee of right to choose, employee may choose any doctor. If employer has informed employee of right to choose, employee cannot change treating physician unless employer agrees, or Court orders change. Employee may choose the doctor for major surgery or if injury involves dismemberment.
32. Nevada — Waiting and retroactive period is at least 5 consecutive or cumulative days within a 20-day period.
33. Nevada — If the employer's insurer has selected a managed care organization, an employee is required to choose a treating physician or chiropractor from MCO, list.
34. Nevada — If an employer's insurer does not have a contract with an MCO or providers of health care, the employee may select a physician or chiropractor from a panel established by the Division of Industrial Relations. If the employer's insurer has a contract with an MCO or providers of health care services, the employee must choose his treating physician pursuant to the terms of the contract. If dissatisfied, the employee may change his selection, within 90 days, to another physician or chiropractor from the panel or contract group.
35. New Hampshire — Unlimited for those not under a managed care program.
36. New Jersey — Employer responsible for all necessary and reasonable costs of medical care, including chiropractor authorized and selected by employer. Employee has no freedom of choice.
38. Oregon — Costs subject to medical fee schedule, as determined by Director. Treatment may be restricted to MCO plan. Limitations on palliative care.
39. Oregon — May choose physician or nurse practitioner within state (or outside state if insurer approves). Allowed initial choice plus 2 changes; insurer may object to additional changes and require Director's approval. If governed by MCO, treatment and choice may be restricted to plan. Nurse practitioner only allowed to treat for 90 days from initial visit on initial claim.
40. Pennsylvania — Only if a list of at least 6 designated health care providers. At least 3 of the providers must be physicians; no more than 4 of the providers may be coordinated care organizations or combinations thereof if posted and for the first 90 days after the first visit. The employee covered by such list may choose any suitable provider on the list.
41. Puerto Rico — TTD only. PTD compensation paid from day of first medical treatment.
42. Puerto Rico — Limitations on palliative treatments. *Sergio Torres Garcia v. State Insurance Fund*, June 30, 1981, P.R. Supreme Court.
43. Puerto Rico — Only in cases of PT disability.
44. Rhode Island — Rhode Island updates fee schedule as necessary not annually.
45. Rhode Island — If employer has a Preferred Provider Network (PPN) in place, employee has choice of initial physician, but subsequent choices must be made from the PPN, or with permission of the employer if outside PPN.
46. South Dakota — Consecutive days, temporary disability only.
47. Texas — Medical charges subject to medical fee guidelines.
48. Texas — Effective 1/1/93, employee will choose physician from a commission-approved list and will be allowed one change of physician with commission approval.
49. Utah — Employee is allowed one change of physician.
50. Virgin Islands — Total amount of \$200,000 includes travel and accommodations.
51. West Virginia — Costs subject to medical fee schedule, updated yearly.
52. FECA — Waiting period for income benefits begins running after 45 days continuation of pay.
53. Newfoundland — Employer payment for day on which accident occurs.
54. Nova Scotia — Waiting period does not apply to medical benefits.
55. Nova Scotia — 2 days if worker works 5 day weeks.
56. Nova Scotia — If so required by employer.
57. Ontario — Employer must pay wages and benefits for day of injury.
58. Ontario — May request worker receiving benefits to submit to exam by health professional selected and paid by employer.
59. Ontario — Compensation payable during disability caused by damage to prosthetic device.
60. Québec — Employer must pay wages and benefits for day of injury.
61. British Columbia — Additional allowances available: Personal Care Allowance; Annual Clothing Allowance (for wear due to prosthesis); Independence and Home Maintenance Allowance; Subsistence Allowance (when traveling for medical care).
62. Figures could not be confirmed at the time of publication; information taken from the 2003 Analysis.
63. Nebraska — The first day of disability is included in the 7-day waiting period; a partial day of disability is considered a full calendar day for purposes of the waiting period.
64. British Columbia — Wage loss begins on first working day after injury. (s. 5(2)). Medical treatment paid by Board on day of injury. Employer has responsibility to transport worker to medical treatment for initial treatment (s. 21(3)).
65. Manitoba — With the exception of medical aid, compensation is not paid for the day on which the accident occurs.
66. Florida — No waiting period for medical benefits.
67. Manitoba — Clothing allowances are effective October 1, 2003. These allowances are indexed annually.
68. Virgin Islands — Maximum of \$75,000 in Medical Benefits.
69. British Columbia — Maximum wage rate applies (s. 31).
70. British Columbia — (s. 21(7) & RSCM #74.50).
71. British Columbia — Appliances repaired/replaced at Board's discretion where damaged or broken as the result of compensable accident. Eyeglasses, dentures, and hearing aids replaced/repaired even where no injury as long as accident corroborated and worker not at fault. Board may provide protective eyeglasses where serious visual impairment caused by work injury. (s.21(7) & RSCM 74.50).
72. Florida — Florida is an employer choice state, but most often, especially in many income arrangements, an injured worker can select a physician from a list provided by the insurer.

Chart X — Rehabilitation of Disabled Workers

Jurisdiction	Source of Fund	Maintenance Allowance	Special Provisions
Alabama	No fund established	Board, lodging and travel, if away from home.	Vocational rehabilitation to restore employee to gainful employment at furnished employer's expense. Employee's refusal results in loss of compensation for the period of refusal.
Alaska	No fund established	When temporary disability benefits and permanent partial impairment benefits are exhausted, a stipend is paid at a reduced rate. Costs for travel and temporary lodging may included in the plan costs.	Employer pays full cost, on an expense-incurred basis, not to exceed \$10,000 or \$13,300, depending on the date of injury. Reemployment benefits may be suspended for non-cooperation which is defined by the law.
Arizona	Special Fund tax up to 1.5% on premiums written	Commission may authorize additional necessary awards to persons undergoing vocational rehabilitation.	The Industrial Commission's Special fund provides vocational rehabilitation for both scheduled and unscheduled injuries. The insurance carrier or self-insured employer may also make available vocational rehabilitation to claimants.
Arkansas	No fund established	Reasonable expenses for maintenance, travel and other necessary costs, 72 weeks maximum.	Must apply to Commission. Commission may authorize vocational rehabilitation if reasonable in relation to disability, but worker may refuse.
California	No fund established	During rehabilitation, necessary living expenses plus either a maintenance allowance not exceeding \$246 per week (which may be supplemented up to temporary disability maximum if medical condition has become permanent and stationary) or temporary disability indemnity. Only applies to dates of injury prior to 1/1/04.	Vocational rehabilitation only applies to dates of injury prior to 1/1/04 and is limited to a \$16,000 spending cap that applies to all services and benefits including training, counseling fees, placement, maintenance allowance, and other costs. For injuries on or after 1/1/03, settlement of vocational rehabilitation is permitted for represented workers for an amount not to exceed \$10,000 for a self-directed rehabilitation plan. A new Supplemental Job Displacement Benefit program applies to injuries on or after 1/1/04. This is a nontransferable voucher for education-related retraining or skill enhancement, or both, payable to a state approved or accredited school. To qualify for this benefit, the employee does not return to work within 60 days after TD ends and the employee does not return to modified or alternative work. The maximum voucher amount is \$10,000. Under SJDB there is no maintenance allowance. ¹
Colorado	No fund established for vocational rehabilitation	TTD and plan expenses paid during plan by carrier or employer if offered and accepted.	Voluntary benefit offered by carrier. If employee refuses offer of vocational rehabilitation, PT benefits will not be awarded.
Connecticut	Funded out of unified 5% assessment	Weekly subsistence allowance during vocational rehabilitation.	Employer pays full cost of medical rehabilitation, which continues until employee reaches maximum improvement. Vocational rehabilitation is furnished by Rehabilitation Services in the Workers' Compensation Commission.
Delaware	No fund established	Reasonable board, lodging and travel.	Physical and vocational rehabilitation furnished at employer's expense. Employee's refusal results in loss of compensation.
District of Columbia	No fund established	Not exceeding \$50 per week.	Employer must provide vocational rehabilitation. Benefits forfeited if worker fails to cooperate.
Florida	Payments from Workers' Compensation Administration Trust Fund derived from assessments upon insurers and self-insurers; insurers can voluntarily provide services.	Reasonable board, lodging and travel, if away from home.	Insurance carrier is required to provide reemployment services for dates of accident 9/30/89 or before and may voluntarily provide services for dates of accidents after 10/1/89. The Division of Workers' Compensation shall pay for reemployment services for dates of accident 10/1/89 and after if such services are necessary for the injured employee to return to work. Carriers shall pay at least 26 weeks of the 52 weeks of rehabilitation TT benefits that an injured employee may be entitled to up to a maximum of 104 weeks of temporary benefits. ²
Georgia	No fund established	Reasonable board, lodging and travel, if away from home.	Rehabilitation benefits are compulsory only in catastrophic cases. Employee's unreasonable refusal may result in suspension of compensation.
Guam ¹³	State fund (appropriation)	\$50 per week in addition to other compensation.	Commission directs the vocational rehabilitation of permanently disabled employees and arranges with the appropriate public or private agencies for such education.
Hawaii	No fund established	Board, lodging, travel, tuition, books and basic materials in addition to compensation.	Rehabilitation unit within the Department of Labor and Industrial Relations makes recommendation for vocational rehabilitation. Director approves services and reviews progress.
Idaho	Part of 2.5% Premium Tax Industrial Administration Fund	Reasonable expenses for maintenance and travel.	Rehabilitation Division administers. TT or TP benefits may be payable where re-training is authorized. Period of retraining not to exceed 52 weeks unless the Commission, following application and hearing, extends the period.
Illinois	No fund established	Maintenance costs and incidental expenses.	Physical, mental and vocational rehabilitation as necessary. Institutional care, if required.
Indiana	No fund established		Vocational rehabilitation available to any employee unable to attain gainful employment, due to an occupational disease or injury. ³

Chart X — Rehabilitation of Disabled Workers, Cont.

Jurisdiction	Source of Fund	Maintenance Allowance	Special Provisions
Iowa	No fund established	\$20 weekly in addition to other compensation for 13 weeks.	May be extended additional 13 weeks. Medical care includes physical rehabilitation.
Kansas	No fund established	Only by agreement of all parties.	The employer or carrier may voluntarily provide vocational rehabilitation services under the workers' compensation act.
Kentucky	No fund established	Board, lodging, and travel, if away from home.	Unlimited medical rehabilitation; vocational rehabilitation up to 52 weeks (may be extended). Employee's refusal results in loss of 50% of compensation.
Louisiana	No fund established	Board, lodging and travel paid by employer or carrier.	Employer or carrier provides up to 26 weeks of vocational rehabilitation, extendable another 26 weeks. Benefits reduced 50% for refusal of necessary rehabilitation.
Maine	Employment Rehabilitation Fund ⁴	Transportation or any extra and necessary expenses, upon board order.	Employee entitled to rehabilitation services when unable to perform work for which the employee has previous training or experience. Training, treatment or service is only 52 weeks unless board extends. ⁵
Maryland	Paid for by Insurers & Self-insurers	Up to \$40 weekly paid by employer for a maximum of 24 months if employee is required to live away from home while in Vocational Rehabilitation.	Workers Compensation Commission investigates claims and reports of disabilities for referral to State Department of Vocation Rehabilitation or to a private vendor. Employee is entitled to rehabilitation services with benefits paid at the same rate as TT. Employee's unreasonable refusal results in loss of compensation. Employer pays compensation for TT disability plus expenses of vocational assessment, rehabilitation, and maintenance allowance.
Massachusetts	Paid the same as compensation by employer or insurer ⁶	Office of Education and Vocational Rehabilitation may approve room, board and travel expenses for 52 weeks.	Necessary cost of rehabilitation subject to approval by Office of Education and Vocational Rehabilitation. Benefits suspended for refusal to participate.
Michigan	No fund established	Transportation and other necessary expenses during 52 weeks training.	Medical and vocational rehabilitation services under Workers' Compensation Bureau approved facility. Bureau may extend training period additional 52 weeks, maximum total 104 weeks.
Minnesota ¹³	No fund established	During a rehabilitation plan-necessary expenses, including tuition, books, travel, board, lodging and custodial daycare. Employee receives temporary total during retraining up to 156 weeks.	Qualified injured worker entitled to rehabilitation under a rehabilitation plan. If approved as plan, employer to provide retraining up to 156 weeks. ⁷ Participant may request 25% benefit increase and is eligible for one-time relocation allowance. Employer may seek termination or suspension of benefits if worker fails to co-operate with plan. Rehabilitation may be requested and consultation provided at given times. ⁸
Mississippi	No fund established	Up to \$10 per week up to 52 weeks.	Commission cooperates with federal and state agencies.
Missouri	\$40 per week supplement paid from second injury fund to the employee, not to exceed 20 weeks, using approved physical rehabilitation with cost of treatment paid by employer or insurer.	Reasonable board, lodging and travel if away from home, paid by employer or insurer. TT or TP benefits paid throughout duration of rehabilitation program.	Administered by Director of the Division Workers' Compensation. Employer is to pay TT up to 20 weeks during physical rehabilitation. Initial vocational plan not to exceed 26 weeks; employers may extend plan up to 26 weeks. ⁹
Montana	For dates of injury prior to 7/1/97: Rehabilitation Fund by up to 1% tax upon compensation paid by insurers, self-insured, and state fund.	Disabled workers, or whole person impairment rating of 15% or greater, entitled to rehabilitation benefits at the TT rate paid throughout the duration of rehabilitation plan (subject to 104 week maximum). Auxiliary benefits up to \$4,000 available for travel and relocation expenses, as well as, implementing rehabilitation plan.	Rehabilitation provider provides certification that the injured worker has vocational goals or re-employment opportunity, which will have a reasonable reduction in the worker's actual wage loss, and a rehabilitation plan agreed upon by the injured worker and the insurer. The rehabilitation plan must be completed within 26 weeks of the completion date specified in the plan. The rehabilitation plan must begin within 78 weeks or reaching maximum medical healing.
Nebraska	Workers' Compensation Trust Fund by 2% of benefits paid by carriers and self-insurers in the state in prior year.	Board, lodging, travel, tuition, fees, and books paid by fund. Temporary indemnity paid by self-insurer or carrier.	Payments into fund suspended when fund reaches \$2,300,000. Assessment (2%) when fund reduced to \$1,200,000.
Nevada	Private carriers, self-insured employers, and associations of self-insured employers.	Under NRS 616C.580, vocational rehabilitation services must not be provided outside Nevada except in limited circumstances where the employee lives within 50 miles of Nevada's borders or was an out-of-state resident temporarily employed in Nevada at the time of his injury. Such employees may be eligible for a lump sum rehabilitation "buyout" not to exceed \$20,000. Out-of-state employees	Rehabilitation program is limited by the percentage of PP award. Insurer is authorized to provide necessary rehabilitation services. Employee's refusal may result in loss of benefits. Nevada allows payment of compensation in a lump sum in lieu of vocational rehabilitation services, at the insurer's discretion.

Chart X — Rehabilitation of Disabled Workers, Cont.

Jurisdiction	Source of Fund	Maintenance Allowance	Special Provisions
Nevada, cont.		who do not qualify for vocational rehabilitation services may relocate to within 50 miles of Nevada's borders at his own expense and receive the services if available at that location. Injured employees who are incarcerated and their dependents are not entitled to vocational rehabilitation benefits during the period of incarceration. At an insurer's discretion, it may offer an employee with permanent limitations lump sum in lieu of vocational rehabilitation services; acceptance of the lump sum extinguishes his right to receive services.	
New Hampshire	No fund established	Board, lodging, travel, books, and basic materials in addition to compensation.	Insurer must furnish rehabilitation services voluntarily, or may be ordered to do so by Commissioner. Limited to a period of 1 year, unless unusual circumstances. Vocational Rehabilitation Coordinator can assist in development of program. Benefits can be suspended for non-cooperation with vocational rehabilitation.
New Jersey	No fund established		PT disability benefits may be stopped after 450 weeks unless the worker has submitted to physical or educational retraining.
New Mexico	No fund established		Only in cases of occupational disease; employer must furnish.
New York	\$2,000 no dependency death cases	Up to \$30 per week for rehabilitation maintenance.	The statute provides for direction by the State Education Department of the rehabilitation process. It does not provide a role for the Worker's Compensation Board.
North Carolina	No fund established		Insurer must furnish rehabilitation services required to lessen disability. Employee's unreasonable refusal of services ordered by Commission results in loss of compensation for period of refusal.
North Dakota	Benefit fund	Rehabilitation allowance (plus supplies, tuition, fees and books) in lieu of and equal to compensation for up to 2 years, plus 25% if maintaining 2 domiciles.	WSI through its Vocational Rehabilitation Program provides retraining. Employee's unreasonable refusal to cooperate shall forfeit compensation. If refusal continues for 60 days, eligibility for wage-loss benefits ends.
Ohio	State Insurance Fund	Same as for TT disability, minimum 50% of the SAVWW, for 6 months (renewable). ¹⁰	Rehabilitation Division is within the Bureau of Workers' Compensation and may make all necessary expenditures, medically including treatment of non-occupational conditions inhibiting return to work.
Oklahoma	No fund established	Board, lodging, travel, tuition and books.	Court may order necessary rehabilitation up to 52 weeks; may also order additional 52 weeks.
Oregon	No fund established	TT during training. Necessary expenses including tuition, books, some travel costs and tools.	Insurer must provide vocational assistance to permanently disabled workers who cannot return to work at a wage at least 80% of wage at injury.
Pennsylvania	No fund established ¹¹	State Office of Vocational Rehabilitation or private rehabilitation may provide cash payments for living expenses.	State Office of Vocational Rehabilitation or private rehabilitation may provide physical restoration, training, support and job placement services.
Puerto Rico ¹²	Exclusive State Fund	Administrator may grant \$65 weekly up to 26 weeks.	Rehabilitation center provides physical, medical and rehabilitation services.
Rhode Island	Workers' Compensation Administrative Fund, private carriers and self-insured employers	Board, lodging and/or travel.	The Department operates the Dr. John E. Donley Rehabilitation Center. Compensation suspended for willful refusal of suitable employment or rehabilitation.
South Carolina	No fund established		No specific statutory provision.
South Dakota		Compensation paid up to 60 days, if pursuing rehabilitation.	TT during period of approved vocational rehabilitation, or 120% of TT less week by earnings.
Tennessee	No fund established	Physical rehab covered under medical services; employee must accept or compensation suspended	Division of Workers' Compensation refers feasible cases to Department of Education pursuant to plan providing full or partial recovery of expenses from employer or insurer.
Texas	No fund established		Insurer furnishes necessary medical care and services for physical rehabilitation. Commission may notify employees of vocational rehabilitation services through the Texas Rehabilitation Commission and private providers. Commission keeps registry of private providers of rehabilitation services.
Utah	Voluntary by insurance carrier		If worker cannot be rehabilitated, worker receives benefits for life from employer or insurance carrier, minimum is 36% of the current SAVWW.
Vermont	No fund established	Board, lodging, travel, books and tools.	Insurer furnishes reasonable and necessary rehabilitation services to an employee unable to return to suitable employment due to their work injury. Commissioner may order vocational rehabilitation services. Employee may decline services.

Chart X — Rehabilitation of Disabled Workers, Cont.

Jurisdiction	Source of Fund	Maintenance Allowance	Special Provisions
Virgin Islands	Government Insurance Fund	Board, lodging and travel.	Department of Labor cooperates with Department of Human Services. Income benefits increased to 75% SAWW. Income benefits during rehabilitation suspended for employee's refusal to accept vocational rehabilitation. See Chart V — Total Disability Benefits.
Virginia	No fund established		Commission may award compensation, medical care and vocational rehabilitation. Employer may be required to furnish and maintain wheelchairs, bedside lifts, adjustable beds and make alterations to home, maximum \$25,000 (wheelchairs exempt from maximum). Employee's unreasonable refusal may suspend compensation.
Washington	Medical Aid Fund	Compensation; Training Costs, books, equipment and child care allowance, up to 52 weeks (maximum \$4,000). Travel or board and lodging may be paid in addition to the \$4,000.	Supervisor may extend period for another 52 weeks. Department pays employer's cost of job modification, or accommodations medically necessary for the worker to participate in a retraining plan, to a total maximum of \$5,000.
West Virginia	State fund	Up to \$20,000 (includes books, supplies, travel, lodging and tools for training purposes). No limit on physical rehabilitation cost. ¹² Eligible for TTD benefits for approved physical/vocational programs.	Division claim managers review for appropriateness of rehab services. Early intervention and return to original employer emphasized utilizing transferable skills. Temporary Partial may be paid as wage differential for up to two years.
Wisconsin	No fund established	TT disability, travel and necessary maintenance if away from home.	80-week period may be extended with Division's permission if necessary. Division refers feasible cases to Department of Vocational Rehabilitation. If Department of Vocational Rehabilitation cannot serve the employee, employee is eligible to select a private specialist to provide vocational rehabilitation services.
Wyoming	Workers' Compensation Fund	As required to achieve vocational goal.	Work with State Division of Vocational Rehabilitation after eligibility determination with individualized rehabilitation plan.
FECA	Employees' Compensation Fund	Up to \$200 per month.	If person fails to undergo Vocational Rehabilitation, administrator may reduce benefit if rehabilitation would have increased earnings.
Longshore Act	Special Fund	Up to \$25 per week.	Surplus in Fund in any 1 year may be carried over. Appropriations authorized.
Alberta	Accident Fund	Discretion of Board.	Board operates physical rehabilitation center. Board may make necessary expenditures to aid rehabilitation and may provide vocational rehabilitation to a dependent spouse.
British Columbia	Accident Fund	Discretion of Board.	Board may make necessary expenditures to aid vocational rehabilitation and, if a fatality, may provide vocational rehabilitation to surviving dependent spouse. (s. 16)
Manitoba	Accident Fund	Discretion of Board.	Board may make necessary expenditures to aid rehabilitation. Spouse of deceased worker entitled to rehabilitation under certain circumstances.
New Brunswick	Accident Fund	Discretion of Commission.	Commission operates physical rehabilitation center. Commission may make necessary expenditures to aid rehabilitation.
Newfoundland	Injury Fund	Discretion of Commission.	Commission may make expenditures as are necessary or expedient to aid a worker's rehabilitation and Labour market re-entry.
Northwest Territories	Accident Fund	Discretion of Board.	Board may make necessary expenditures to aid rehabilitation.
Nova Scotia	Accident Fund	Discretion of Board.	Board may make necessary expenditures to aid rehabilitation.
Nunavut	Accident Fund	Discretion of Board.	Board may make necessary expenditures to aid rehabilitation.
Ontario	Schedule 1—Insurance Fund Schedule 2—Employer's individually	Discretion of Board.	No limit on amount in any 1 case or in any 1 year for labor market re-entry plans. Surviving spouses entitled to same level of labor market re-entry services as injured workers.
Prince Edward Island	Accident Fund	Discretion of Board.	Board may make necessary expenditures to aid rehabilitation.
Quebec	Accident Fund. Individual liability for employers held personally responsible for the payment of benefits.	Discretion of Board.	Board may make necessary expenditures to aid rehabilitation and may provide vocational rehabilitation to a dependent spouse.
Saskatchewan	Injury Fund	As legislated. ¹⁴	Board provides on-the-job training, academic training, employer assistance, and physical and occupational therapy. Vocational training available for spouse; educational allowance for dependent children of fatally injured workers.

Chart X — Rehabilitation of Disabled Workers, Cont.

Jurisdiction	Source of Fund	Maintenance Allowance	Special Provisions
Yukon Territory	Compensation Fund	Discretion of Board.	Board may make necessary expenditures to aid rehabilitation.
Canadian Merchant Seaman's Act	No fund established	No specific statutory provision.	No specific statutory provision.

Notes

1. California — For injuries occurring on or after 1/1/04.

2. Florida — Refusal to accept reemployment services deemed necessary by the Division may result in discontinuation of wage replacement benefits.

3. Indiana — State Rehabilitation Services Board administers vocational rehabilitation programs. Compensation suspended for refusal of suitable employment by partially disabled claimant.

4. Maine — Board may levy assessment on each insurer based on paid losses for previous year when amount in Fund is less than \$500,000. Fund also receives sum equal to 100 times the AWW when work-related injury causes employee death and there are no dependents.

5. Maine — Office of Rehabilitation may implement and pay for out of the Rehabilitation

Fund a plan previously rejected by the employer. If the plan proves successful, the Fund may assess the employer up to 180% of the plan implementation costs.

6. Massachusetts — If insurer refuses payment, rehabilitation may be paid by Trust Fund. If rehabilitation is successful, insurer assessed no less than twice the cost of rehabilitation.

7. Minnesota — Surviving spouse may request rehabilitation.

8. Minnesota — Expenses of rehabilitation are borne by employer/insurer. Vocational rehabilitation is provided in most rehabilitation plans. Physical rehabilitation is a medical expense.

9. Missouri — Refusal of employee to undergo vocational rehabilitation results in 50% reduction in TT or TP benefits. Refusal to attend approved physical rehabilitation may result in

disqualification for TT or TP benefits.

10. Ohio — If claimant returns to lesser-paying job while in rehabilitation, wage loss compensation of difference between wage at time of injury and wage at job while in rehabilitation program can be paid.

11. Pennsylvania — Funded by federal and state sources.

12. West Virginia — Work conditions and work hardening programs are subject to West Virginia's fee schedule.

13. Figures could not be confirmed at the time of publication; information taken from the 2003 Analysis.

14. Saskatchewan — The Workers' Compensation Act, 1979 requires that the Saskatchewan WCB maintain a funded status although the extent of the reserves to be held by the Board is left to the discretion of the Board.

Part 3 — Administration of Laws

Because workers' compensation grew out of a public dissatisfaction with the manner in which job-related disabilities were handled, it is not surprising that the system was designed with an eye toward prompt and effective disposition of disability cases. Without an effective delivery system, many of the problems associated with the common law and employer liability statutes would remain.

This requirement for an effective delivery system remains valid today. The National Commission on State Workmen's Compensation Laws, in listing this as a major objective for a modern workers' compensation system, made special note that the achievement of the system's objectives for protecting against workplace disabilities was dependent upon an effective system for delivery of benefits and services. This observation was reaffirmed by a second federal report on workers' compensation delivery in 1977, which emphasized the importance of efficient program administration.

As originally envisioned, the system would be self-administering. However, over time the complexities of the system proved too much for a laissez-faire approach, and states moved to take a more affirmative role in the administration of their laws.

Generally, the states moved either to administer their laws through their court system, a special commission or board, or a combination of both. In Canada, administrative activities are carried out by a board. The principal areas of administration include:

- + Supervision of compliance with statutory requirements for employers, employees, carriers, and medical and legal personnel.
- + Investigation and decision on disputed claims and the supervision of medical and vocational rehabilitation.
- + Management of second-injury funds, and special assessment requirements.
- + Collection of data and evaluation of program performance.

Administration — Notice to Employer and Claims (Chart XI)

Workers' compensation laws generally are administered by commissions or boards created by law. A few states provide for court administration.

Chart XI shows statutory provisions relating to administration. These include:

- + Time limits in which employers must be advised of injury;
- + Time in which claims must be filed;
- + Claim settlement conditions; and
- + Regulation of attorney's fees.

Employer's Report of Accidents (Chart XII)

All employers are interested in requirements legally imposed on them to report injuries and the penalty, if any, imposed for failure to report. In many jurisdictions, except for preliminary reports, the insurer relieves an employer of this burden. Provisions for employer reporting of accidents are summarized in Chart XII.

Second-Injury Funds (Chart XIII)

Second-injury funds (or like arrangements) were developed to meet problems arising when a preexisting injury combines with a second to produce a disability greater than that caused by the latter alone. The funds encourage hiring of the physically handicapped and allocate costs of providing benefits to such employees more equitably.

Second-injury employers pay compensation related to the disability caused by the second injury alone — even though the employee receives a benefit relating to the combined disability; the difference is made up from a second-injury fund.

Where no special second-injury fund is provided by law, an employer in whose employment a second injury is sustained usually is liable for compensation due for the total resulting disability. Because of the potential increased cost of compensation benefits, an employer may be influenced to refuse employment to handicapped persons. It is for this reason that second-injury funds are advocated.

Most compensation laws now limit employer liability in second-injury cases to payment for the disability resulting from the second injury considered by itself — as shown in Chart XIII. The chart indicates the nature of the injury covered, portion payable by the employer and by the fund, and the sources for the fund.

Administration Expenses (Chart XIV)

Chart XIV refers to:

- + How the costs of administration are met;
- + Nature of assessments, if any; and
- + Types of insurance provided for — whether private, state, or both.

Appeal Provisions (Chart XV)

Appeal provisions, including designation of the court of appeal and nature of the procedures, are summarized in Chart XV. Most Canadian jurisdictions use the inquiry system and do not provide for judicial appeals.

Directory of Administrators (Chart XVI)

The names and addresses of the administrators, boards, and commissioners for all jurisdictions reported upon by the *Analysis* are provided in Chart XVI. The Internet addresses are listed for those administrators with web pages.

Chart XI — Administration: Notice to Employer and Claims

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Alabama	Courts	In writing within 5 days; excusable up to 90 days.	Within 2 years after accident, last payment or removal or incapacity.	By agreement, which must conform substantially to terms of act unless court approves lesser sum. Disputed cases settled by courts.	Lien when registered with probate judge.		Award for more than 6 months at any time by agreement of parties with court approval.	Fixed by Circuit Court judge up to 15% award. All litigation expenses, attorney's fees must be reported to the Director.
Alaska	Workers' Compensation Board	In writing to Board and employer within 30 days; excusable. ¹	Within 2 years after knowledge of disability. Within 1 year after death or 2 years after last payment.	By agreement, on approval of Board.	Lien; recording required in 1 year of injury. Interest and penalties accrue.	By Board.	Within 1 year after last payment of compensation or after rejection of claim.	25% of first \$1,000. 10% of award balance by statute; negotiable. Board approval required if employee pays.
Arizona	Industrial Commission	Forthwith; excusable.	Within 1 year after injury or accrual of right; excusable. ² Claim not barred if compensation has commenced.	By Commission.	Decision of Award is effective upon finality. Lien upon filing.	By ALJ within 30 days.	By ALJ on application.	Commission may regulate; maximum 25% of award.
Arkansas	Workers' Compensation Commission	Forthwith; excusable.	Within 2 years after injury or death or 1 year after last payment of compensation, whichever is later. Note that the statute of limitation is different for Occupational Disease. See Chart IV.	Compensation without award except if contested claim. Disputed claims heard by Commission member, or ALJ upon application. Settlements may be approved by joint petition. Disputes may be resolved through mediation. ³	Preference rights of unpaid wage claims.	By Commission within 30 days of ALJ decision. Thirty days from Commission to Court of Appeals.	By Commission within 6 months of end of compensation period except in "joint petition settlement." ⁴	25% of disability benefits awarded.
California	Division of Workers' Compensation handles administration. Appeals Board handles judicial functions.	In writing within 30 days; excusable. Within 1 day of receiving notice of having knowledge of injury, employer must provide injured worker with claim form.	Disability — within 1 year from date of injury or last payment. Death — within 1 year after death to 240 weeks after injury.	By agreement on approval of Appeals Board which may order hearing. Disputed cases settled by Appeals Board on application.	Judgment of filing in Superior Court.	By Appeals Board from workers' compensation judge's finding.	Reconsideration within 20 days; no modification after 5 years.	Reasonable fee fixed by Appeals Board. If Court finds no reasonable basis for appeal, Appeals Board may award fees as supplementary award. ⁵
Colorado	Division of Workers' Compensation handles administration. Division of Administrative Hearings handles hearings.	In writing within 4 days; excusable. Claimant may lose up to 1 day's compensation for each day's delay.	Within 2 years after injury or death. ⁶ Does not apply if compensation paid or if reasonable excuse in 3 years.	By agreement approved by Director or ALJ. Disputes may be resolved through mediation, pre-hearing conference and formal hearings.	Judgment on filing copy of award against uninsured employer in District Court. Decision of award is effective upon finality.	By Director or ALJ within 20 days, then by Industrial Claims Appeals Office within 20 days.	Reopening by Director within 6 years from date of accident or 2 years after last payment, whichever is later. ⁷	On unappealed and contested cases, a contingent attorney fee not exceeding 20% of the amount of the contested benefit shall be presumed to be reasonable. Director determines reasonableness of fee on request of claimant or attorney.

Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Connecticut	Workers' Compensation Commissioners. 1 chair and 15 members.	Forthwith; excusable. ⁹	Within year after accident. ⁹ If death results, within 2 years after accident or disease, within 2 years from accident or disease, or within 1 year from death, whichever is later.	By agreement, on approval of Commission. Disputed cases settled by Commission.	Judgment on filing in Superior Court. Award has preference rights on unpaid wages.	By Compensation Review Board ¹⁰ within 20 days.	By Commissioner during compensation period.	Subject to approval by Commissioner.
Delaware	Office of Workers' Compensation	If notice not given in 90 days, no compensation due until notice or knowledge of injury.	Within 2 years after injury, death, or 5 years from last payment.	By agreement, on approval of Board. Disputed cases settled by Board and/or hearing officer after hearing.	Preference rights of unpaid claims.		By Board and/or hearing officer at any time, but no more than once each 6 months.	Attorney/Client agreement.
District of Columbia	D.C. Office of Workers' Compensation	In writing within 30 days; excusable.	Within 1 year after accident or last payment.	By agreement, subject to approval of the Office of Workers' Compensation, approval automatic if both parties represented by legal counsel.	Award is effective upon filing.	By Director, Department of Employment Services on application or own motion.	By the office issuing the award within 1 year after last payment or denial of claim on own motion or application of interested party.	By the Office or court before which the work was performed.
District of Columbia Government Workers	Office of Benefits Administration	48 hours; extended for cause.	Within 60 days after injury or 1 year after death; extended for cause.	By the Office of Disability Compensation.	Fund pays award.	By administrator upon own motion or application at any time.	By administrator.	Subject to approval by administrator, Office, or court before which the work was performed.
Florida	Division of Workers' Compensation	Within 30 days after injury, death or employee's first knowledge of injury/illness.	Within 2 years after injury or death, or 1 year from last payment, or authorized medical treatment.	By lump sum, payment to the injured workers allows total closure of claim at any time if the worker is represented by an attorney. If the employee is not represented lump sum settlements are permitted after MIMU or when the carrier filed a denial within 120 days after date of injury.	May be filed in proper court; execution or other process in Circuit Court.		Joint Petitions or Stipulations so ordered by Judges are not subject to modification.	Sliding scale subject to approval of judge of compensation claims or court.
Georgia	Board of Workers' Compensation	Within 30 days; excusable.	Within 1 year after injury, death or medical care; or within 2 years after last payment.	Compensation without award except in contested claims. Disputed claims settled by Board, Director, ALJ or through mediation. ¹¹	Judgment in Superior Court on certified copy of award. ¹²	By Board on application within 20 days.	By Board on application or own motion within 2 years after final payment (4 years for PP). Final settlement may not be modified.	Fees in excess of \$100 subject to Board approval. Board may assess attorney's fees against any party who proceeds without reasonable grounds or fails to provide income benefits as required. Maximum recovery fee is 25% of income benefit received.

Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Guam ¹⁸	Workers' Compensation Commission	In writing 30 days; excusable.	Within 1 year after injury, death, last payment or awareness of relationship between the injury or death and the employment.	Compensation without award within 14 days after knowledge of injury or death. Controverted claims are settled by the Commission.	Lien against assets of carrier or employer. Enforcement of final order by Supreme Court.		By Commissioner within 1 year after last payment or rejection of claim on own motion or application.	Subject to approval of Commission or Court on review. Legal fees shall be a lien on compensation.
Hawaii	Director of Labor and Industrial Relations	Forthwith; excusable.	2 years after date on which effects of injury become manifest, but within 5 years after date of accident causing injury.	By agreement or by decision which must be prepared by Director within 60 days after conclusion of hearing, "in accord with law. If not agreed, Director makes award.	Judgment on filing in Circuit Court.	By Appellate Board within 20 days.	By Director on own motion or any party on own application within 20 days but no later than 8 years after decision.	Subject to approval of Director.
Idaho	Industrial Commission	In writing 60 days after accident; excusable.	Within 1 year after accident or death. ¹⁴	By agreement, subject to approval of Commission. Disputes settled by Commission or Member after hearing.	Judgment in District Court on filing certified copy of award.	By Commission within 20 days.	By Commission within 5 years of accident, but not more than once in 6 months.	Subject to approval of Commission. 25% without hearing; 30% with hearing. Disclosure required.
Illinois	Industrial Commission	Within 45 days. ¹⁵ For radiological injury, within 90 days after employee knows of suspected that he has received an excessive dose of radiation.	Barred after 3 years from injury or death, or 2 years after last payment, whichever is later. Radiation and asbestos — within 25 years after last exposure for injury; within 3 years after death.	By agreement, subject to approval of Commission, after 7 days from injury. Disputed cases settled by arbitrator.	Judgment in Circuit Court on filing certified copy of award.	By Commission from decision of arbitrator within 30 days.	By Commission within 30 months or agreement or award.	Maximum 20% of compensation paid; up to 364 weeks of PT disability. Unreasonable or vexatious delay by employer or carrier in payment of compensation may be penalized by cost of attorney's fees.
Indiana	Workers' Compensation Board	In writing as soon as practicable, excusable. Compensation may accrue from date of notice if given after 30 days.	Within 2 years after injury or death. Radiation — 2 years after worker knows/should know relation to employment.	By agreement, after 7 days from injury or at any time after death, subject to approval of Board. Disputed cases settled by Board member on application.	Judgment in Circuit Court on certified copy of agreement or award. Preference rights of unpaid wages.	By full Board within 30 days after award.	By Board on application or own motion, within 2 years after last day for which compensation is paid.	Subject to approval of Board. Limits on fees in recoverability in 3rd party suits, basing those fees on the amounts actually repaid to the insurer/employer. Fees paid out of award unless bad faith by employer or lack of diligence in which case paid by employer. Minimum fee is \$200.
Iowa	Division of Workers' Compensation	Within 90 days after injury unless employer has actual knowledge.	Within 2 years after injury or 3 years after last weekly payment.	Compensation without award except in contested cases, but claim may be settled by agreement, subject to approval of Workers' Compensation Commissioner.	Judgment in District Court on filing certified copy of agreement or decision.	By Commissioner from decision of Deputy Commissioner within 20 days.	By Commissioner within 3 years from last payment, award or noncommuted settlement.	Fixed by written contract between parties.

Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Kansas	Division of Workers' Compensation	Within 10 days and up to 75 days with "just cause."	Claim must be served on employer within 200 days after accident or last payment, or within 1 year after death for death within 5 years after accident. Application for hearing must be filed with Division within 3 years after accident or within 2 years after last payment, whichever is later. ¹⁷	By agreement, disputed cases settled by ALJ after hearing, subject to appeal to Workers' Compensation Board.		Appeal to Workers' Compensation Board must be filed within 10 days of decision by ALJ.	By ALJ, before final payment and within 1 year of prior approval on application.	Fixed by written contract. Maximum of 25% of compensation recovered as a result of attorney's involvement.
Kentucky	Department of Workers' Claims	In writing as soon as practicable; excusable.	Within 2 years after accident, death, or last voluntary income benefit payment. Limits toll during minority or incapacity.	By agreement, subject to approval by ALJ. Disputed cases settled by an ALJ in a de novo proceeding.	Judgment in Circuit Court on filing certified copy of award or approved agreement.	Initial appeal from ALJ is to the Workers' Compensation Board within 30 days. Petition for reconsideration of any patent error required within 14 days of ALJ's decision and necessary prior to appeal to Workers' Compensation Board.	By ALJ any time, on application or own motion. ¹⁸	For contracts entered into on or after 7-14, 2000, plaintiff's attorney fee is 20% of the first \$25,000, 15% of the next \$10,000 and 5% of the remainder of the award not to exceed a maximum fee of \$12,000. Maximum fee for employer's attorney is \$12,000.
Louisiana	Office of Workers' Compensation Administration	Within 30 days (12 months if employer fails to post requirements); excusable.	Within 1 year after accident, death or last payment; if injury has a delayed development, then 1 year from time injury develops, but in no cases more than 2 years from date of accident.	By agreement, subject to approval of Administrative Law Judges. ¹⁹	Approved settlement entered as judgment.	No review by agency or District Court; appeals go to Court of Appeals.	By Workers' Compensation Judge or any time by agreement.	Subject to Workers' Compensation Judge's approval; maximum 20% of award on first \$20,000 and 10% of any additional amount.
Maine	Workers' Compensation Board	Within 90 days after injury; within 3 months after death; excusable for mistake of fact.	Within 6 years after accident or last payment ²⁰ , or within 1 year after death. If mistake of fact or fraud, within a reasonable time, but no more than 6 years after last payment, in any case.	Compensation without award except in contested cases. Disputed cases settled by Board.	Decision enforceable in Superior Court by suitable process.	By single hearing officer.	On application, approved lump sum is final except employer is not released from liability for future medical expenses unless lump sum agreement is contingent on release from such liability.	For injuries on and after 1/1/93, each party responsible for payment of own cost and attorney's fees. Fees subject to Board approval. Non-lawyers authorized to represent any party unless such representation "prevents the efficient proceeding of any proceeding." Workers' Compensation Board provides a worker advocate to qualified employees at boards expense.
Maryland	Workers' Compensation Commission	Within 10 days after injury (30 days for hernia); within 30 days after death; excusable.	Within 60 days after disability begins; excusable to 2 years. Within 18 months after death. ²¹	By agreement, subject to approval of Commission. Disputed cases are tried by the Commission; hearing required on application.		By Commission De Novo Appeal to Circuit Court (WCC decision presumed correct). Additional appeals on questions of law to appellate courts.	From final award on application or own motion within 5 years after the date of the last payment of compensation.	Subject to approval of Commission pursuant to a fee guide for attorneys.

Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Massachusetts	Department of Industrial Accidents	In writing as soon as practicable; excusable.	Within 4 years after injury, death or onset of disability; excusable.	By agreement, subject to approval of Department. Disputed cases settled by a member of the Industrial Accidents Board after preliminary conference prior to hearing.	Decree in Superior Court on certified copy of agreement or decision.	By 6-member reviewing board from decision of member.	On application at any time; limited in death cases.	Subject to Board approval. Amount fixed, subject to cost of living adjustments, according to state of proceedings. ²²
Michigan	Bureau of Workers' Disability Compensation	Within 90 days after injury; excusable.	Within 2 years after injury, death, recovery from incapacity, or after worker knows/should know relation of disease to employment. ²³	Compensation without award except in contested cases. Disputed cases settled by magistrate (by Bureau if "small dispute").	Judgment in Circuit Court on filing certified copy of award.	By Appellate Commission within 30 days from decision of magistrate.	On petition to W.C. Court of Appeals to vacate.	Subject to approval of Bureau based on administrative rules and contingency fee schedules.
Minnesota ²⁶	Commissioner, Department of Labor and Industry as head of Workers' Compensation Division and Administration. ²⁴	Within 30 days unless employer has actual knowledge; excusable up to 180 days unless prejudice shown.	Within 3 years after employer's report; no more than 6 years from date of injury. Occupational disease—within 3 years after employee knows cause of disability. ²⁵	Compensation without award except in contested cases. Claims settled by agreement subject to judicial approval. Presumed fair if both sides represented by attorney, and medical and rehabilitation left open. Hearing determination subject to appeal.	Award is binding and may be enforced by penalty or entering judgment in District Court.	Appeals must be filed with Workers' Compensation Court of Appeals within 30 days from decision of compensation judge.	By petition to W.C. Court of Appeals to vacate.	Approval by Division or compensation judge of 25% of first \$4,000 compensation, 20% of the next \$60,000 subject to a maximum amount determined by a 7 factor analysis.
Mississippi	Workers' Compensation Commission	Within 30 days; excusable.	Within 2 years after injury or death.	Compensation paid without award except in contested claims. Disputed claims heard by Commission member or referee on application. Claims are settled on compromise basis by agreement, subject to Commission approval.	Lien against assets and has preference rights of unpaid wages.	By Commission if appealed within 20 days from decision of ALJ.	By Commission on application or own motion within 1 year from last payment or claim rejection.	Subject to approval of Commission or court. Maximum is 25% of award in matters before the Commission.
Missouri	Division of Workers' Compensation	In writing within 30 days unless employer has actual knowledge. Division notifies worker of rights.	Within 2 years after injury or death, or last payment (3 years if no report filed).	After 7 days from injury or death, through mediation or by compromise settlement, upon approval by the ALJ, legal advisor, or Commission. Disputed cases closed on award by ALJ.	Judgment in Circuit Court on certified copy of memorandum of decision or award of Division or Commission.	By Industrial Commission within 20 days.	By Commission on application or own motion, after notice and hearing.	Commission or Division may allow reasonable fees.
Montana	Department of Labor and Industry	For injuries not resulting in death, within 30 days unless employer has actual knowledge.	Verified claim within 12 months after accident; Insurer may grant additional 24 months.	By agreement and subject to approval of Department. Any dispute over conversion of benefits to a lump sum or dispute over the amount of benefits is submitted to a mediator and then to the Workers' Compensation Court, if necessary.	Insurer will pay award after order received.	By Department of Labor and Industry. 14 days to approve or disapprove settlement. If date of injury is prior to 7/1/87, order is reviewed by Workers' Compensation Court Judge, who has 10 days to disapprove settlement.	May not be reopened by Department.	May be fixed by Department or Workers' Compensation Judge. Added to successful claimant's award on appeals. Not awardable by the court unless the insurer's actions in denying liability or terminating benefits was unreasonable.

Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Nebraska	Workers' Compensation Court	In writing as soon as practicable; excusable.	Within 2 years after injury, death, removal of incapacity or last payment.	By agreement, in accordance with Act. Disputed claims submitted to Compensation Court for hearing or informal dispute resolution. Lump sums approved by Compensation Court.	Award is final unless timely appealed.	By Compensation Court.	By agreement, subject to approval of Compensation Court; or on application after 6 months by Compensation Court.	Subject to approval of Judge of Compensation Court (for lien purposes).
Nevada	Division of Industrial Relations	Within 7 days of injury.	Within 90 days after accident, 1 year after death. ²⁶	By agreement, in conformity with Act, subject to approval of insured. ²⁷	Insurers are required to comply within 30 days after award is issued, unless a stay is entered. If a party applies for a stay which is denied, in specified circumstance, installment payments may be made. ²⁷	Department of Administration holds hearings and appeals for contested claims.	Medical investigation may be conducted at any time based on changed circumstance.	District Court may assess costs and fees if appeal is frivolous. At appeal level and above, claimant may utilize the free services of the Nevada Attorney for Injured Workers for representation.
New Hampshire	Division of Workers' Compensation	As soon as practicable but no later than 2 years after date of injury.	Within 2 years after injury or death and claimant knows/should know of injury and relation to employment.	If compensability of claim is contested, the aggrieved party may request a hearing at the Division. Disputes may also be settled by lump sum with Division approval.	Payment within 5 working days. Employer's failure to comply with an award may result in a penalty of no more than \$100 per day.	By Commissioner.	Commissioner of Labor may modify no later than 4 years after last indemnity payment, except lump sums.	Established by operating policy: 20-25%; no provision regarding lien against award; statutory provision added in some cases to award. Attorney's fees and interest to successful claimant on appeal.
New Jersey	Division of Workers' Compensation	Within 14 days; excusable up to 90 days. Separate provision for occupational diseases.	Within 2 years after accident, death, last payment or default. Separate provisions for occupational diseases.	By agreement, subject to approval of Judge of Compensation. Disputed cases litigated before Compensation Judge.	Final unless appealed to Superior Court.	Appeals are to the Appellate Division of the Superior Court.	Application to review or modify prior award to Judge of Compensation within 2 years of last payment of compensation.	Not over 20% before Division. Court may fix reasonable fee on appeal.
New Mexico	Workers' Compensation Administration	In writing within 15 days; excusable up to 60 days. ²⁸	Within 1 year after notice, death, or failure to pay. ²⁹ Time tolled up to an additional year if still in same employment.	By agreement, through a mandatory mediation conducted by agency staff attorneys. Disputed cases are resolved through hearings presided by an agency Judge. Restricted lump sum settlements must be approved by a Judge. ³⁰	Award is judgment.	Reviewed by Court of Appeals.	By Workers' Compensation Judge, hearing for modifications may be held at not less than 6 month intervals.	Determined by Workers' Compensation Judge, maximum amount of \$16,500 for both parties' attorneys, including all levels of appeal. Cost of attorney is split 50/50 by employer and employee.

Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
New York	Workers' Compensation Board	In writing within 30 days; excusable.	Within 2 years after accident or death or 2 years after disability from occupational disease and within 2 years after the claimant knew or should have known that the disease is or was due to the nature of the employment.	Compensation without award within 18 days after disability or within 10 days after employer had knowledge, except in contested claims. Disputed claims settled by referee or Board. Referral to motion process and conciliation mandatory if claim within parameters set by WCL. If issue not settled, referred to hearing calendar. If motion process or conciliation not appropriate per WCL, hearing is mandatory upon application. Employer may make temporary payments of compensation for up to 1 year without prejudice or admitting liability if unsure of the extent of liability for claim. Written stipulated settlements upon approval by Board.	Payment within 10 days after decision except when a review application has been filed by the carrier or self-insured employer.	Review of Workers' Compensation Law Judge decision is by 3 member panel of the Board. A split decision is reviewable by full Board; review of other decisions is discretionary.	By Board upon application by party or own motion unless claim settled pursuant to WCL § 32 or prohibited by WCL § 123.	All attorney fees must be approved by the Board. Fee award amounts set by Worker's Compensation Law Judge or Commissioner.
North Carolina	Industrial Commission	In writing within 30 days; excusable.	Within 2 years of final determination of disability or within 6 years after death from occupational disease or accident.	By agreement, after 7 days from injury or at any time in case of death, subject to approval of Commission. Disputed cases settled by Commission or member or through mediation.	Judgment in Superior Court of filing certified copy of agreement or decision.	By Commission upon application within 15 days after award.	By Commission on application or own motion, within 2 years.	Subject to approval of Commission, which may impose court costs and fees against party who proceeds without reasonable ground.
North Dakota	Workforce Safety and Insurance	Within 7 days.	Within 1 year after injury or 2 years after death.	By WSI.	By WSI.		By NDWC at any time on application or own motion.	If prevailing — effective 5/1/2002 \$100 per hour, subject to a cap of 20% of award amount.
Ohio	Bureau of Workers' Compensation and Industrial Commission	None required except to self-insurers.	Within 2 years after accident, injury, occupational disease, or death. ³¹	By agreement, subject to 30 day waiting period and review by Bureau; Industrial Commission may reject settlement which is a gross miscarriage of justice or clearly unfair.	Fund or self-insurer pays award after judgment.	By district hearing officer, then staff hearing officer, then Commission, within 14 days of decision.	By Commission or Bureau within 6 years after last medical payment (no lost time) or 10 years from last payment or death (lost time).	Attorney's fees are fixed by judge based on effort expended, but shall not exceed \$2,500.

Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Oklahoma	Workers' Compensation Court and an Administrator	Injury — within 30 days of the date an injury occurs. Occupational disease or cumulative trauma — within 90 days of the employee's separation from employment.	Within 2 years after injury or last payment. Death claims — within 2 years after death or last payment.	By agreement, after 3-day disability, subject to approval of Workers' Compensation Court. If both parties agree, they may enter into non-binding mediation. Disputed cases resolved by Court.	Payment within 20 days except in event of appeal. Enforcement of District Court upon motion to certify.	By Workers' Compensation Court en banc on appeal within 10 days or by Supreme Court on appeal within 20 days.	By Workers' Compensation Court on application or own motion. May reopen case within maximum number of weeks for which award is possible, or 208 weeks for non-scheduled injuries.	Workers' Compensation Court must approve and direct payment. 10% maximum for temporary disability, 20% maximum for PTD or death.
Oregon	Department of Consumer and Business; Workers' Compensation Division	In writing within 90 days.	Injury: within 90 days, but up to one year after accident if employer had knowledge of the injury or the worker dies within 180 days of the accident. Occupational disease: within one year of the workers' discovery, diagnosis by physician, onset of disability, or beneficiaries' discovery death was due to occupational disease.	Accepted claims: closed by insurer or by Claims Disposition Agreement. Disputes: settled by agreement; Administrative Law Judge, Board, Court of Appeals, or Supreme Court (matters of law only).	Payment by insurer within 30 days or after order except where appeal stays payment. Appeal must be made to the Department within 60 days of insurer Notice of Closure. Insurer appeal restricted to within 7 days of Notice of Closure and is limited to findings used to rate impairment.	Reconsideration of disability awards by Department appellate unit within 18 days of request (60 additional days if a medical arbitration is required). The order on Reconsideration may be appealed within 30 days to Workers' Compensation Board (WCB) Hearings Division (denied claims may be appealed directly to the WCB); further appeal to Board within 30 days.	By Workers' Compensation Division, or Board on application, or by stipulation of the parties.	Subject to approval of ALJ, Board, or Court. Board established fee schedule, but not more than WCB maximum. Attorney fees are 10% of any increased disability awarded by an Order of Reconsideration at WCD. WCB awards 25% of increased compensation, subject to maximums of \$4,600 for PPD, \$12,500 for PTD, and \$1,500 for TD.
Pennsylvania	Bureau of Workers' Compensation ²²	If notice is not given within 21 days, no compensation due until given. If not given within 120 days, compensation disallowed.	Within 3 years after injury, death or last payment. ²³	By agreement, after 7 days from injury, subject to Department approval. Disputed cases heard by Workers' Compensation Judge; appeals to Board.	Judgment in court of common pleas on filing certified copy of award or agreement.	By Appeal Board from Workers' Compensation Judge's decision within 20 days.	By Department on application within statutory limits.	Subject to approval of Workers' Compensation Judge, Appeal Board or Court.
Puerto Rico ²⁴	Board of Directors, Corporation of State Insurance Fund of Puerto Rico, which operates under manager so designated.	None required.	As soon as possible within 5 days from accident.	There is no settlement procedure.	Fund pays award.	Decision of Fund's Manager is final in the agency. Only review by appeal to Industrial Commission within 30 days of decision.	Only through review by the Industrial Commission.	No attorneys required in hearings, but if requested by employee, fees are fixed by Industrial Commission as percentage of award. Fees are fully paid by Fund.

Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Rhode Island	Department of Labor and Training, Division of Injured Workers' Services	In writing within 30 days; excusable.	Injuries prior to 5/18/92, within 3 years; 5/18/92 and after, within 2 years after injury, manifestation, knowledge of injury, death or removal of incapacity.	By voluntary agreement of both parties; or by Judge by decree.	Award enforceable by Court or Director.	By Court within 7 days.	By Court during compensation period, within 10 years after compensation period has ceased, on own motion or on petition of either party.	Subject to approval of Court. Maximum 15% of lump sum or structured settlements.
South Carolina	Workers' Compensation Claims Department	In writing as soon as practicable or within 90 days; Excusable.	Within 2 years after accident or 2 years after death.	By agreement, after 7 days from date of injury or any time in case of death, subject to approval of Commission or member, after hearing, upon application.	Judgment in Common Pleas Court on certified copy of agreement or award. ³⁴	By 3 or 6 member panel; apply within 14 days after award.	To Commission on application or own motion within 12 months from last payment.	Subject to approval of Commission.
South Dakota	Division of Labor and Management	In writing as soon as practicable within 3 working days; excusable.	Within 2 years after notice of intention to deny coverage. Within 3 years of last benefit payment.	By agreement, if not disputed by Director, within 20 days. Disputed cases settled by Commissioner after hearing, upon application.	Judgment on certified copy of agreement or decision.	By Labor Secretary within 10 days.	By Labor Secretary by application.	Subject to approval of Director of Division of Labor and Management.
Tennessee	Courts and Workers' Compensation Division ³⁵	Notice must be within 30 days; must be written if employer does not have actual knowledge. Excusable up to 1 year.	Within 1 year after accident. Dependents within 1 year after employer's notice accepting liability.	By agreement, subject to approval by County Court. Disputed cases determined by Circuit Court. Commissioner or designee may approve settlements.	Judgment on approved agreement.	Award payable for more than 6 months may be modified by agreement approved by court.	Award payable for more than 6 months may be modified by agreement approved by court.	Maximum 20% by statute, fees greater than \$10,000 need court approval else unlawful per statute, threshold adjusted each July. Lien against award.
Texas	Workers' Compensation Commission	Within 30 days; excusable.	Within 1 year after injury or death; excusable. ³⁶	Disputes or claims are resolved through an administrative dispute resolution process.	Failure or refusal to comply with a Commission order/decision within 20 days may result in a fine up to \$10,000.	By 3 member appeals panel within 60 days after contested case hearing.	In actions before the Board or Commission, fees are limited to 25% of the recovery unless special circumstances prevail. Subject to approval by Board, Commission or Court but not to exceed 25% of recovery.	
Utah	Labor Commission	Within 180 days.	Within 1 year after death; within 6 years after date of injury. Medical expenses within 3 years of last treatment. ³⁷	By Labor Commission.	Lien from time of docketing in District Court. Payments must begin within 30 days of determination of award.	By Commission within 30 days.	By agency upon application.	Subject to approval by the Commission or the court. Maximum of 20% or 312 weeks of award, with a \$10,532 cap.

Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Vermont	Commissioner of Labor and Industry	In writing as soon as practicable; excusable.	Within 6 months after injury, death, loss of damage suit or removal of incapacity; excusable.	By agreement, in conformity to Act, subject to approval of Commissioner (compromise agreements may be approved). Disputed cases settled by Commissioner.	Judgment in County Court on certified copy of agreement or award.	By Commissioner on application within 6 months.	By Commissioner on own motion or application at any time.	Commissioner may award to successful claimant, and on appeal, 12% interest on contested part of award.
Virgin Islands	Workers' Compensation Administration	In writing within 48 hours; extendable up to 30 days. Occupational disease within 30 days from first manifestation; extendable to 90 days for cause.	Within 60 days after injury.	By Workers' Compensation Administration using Direct Payment Systems. Disputed cases decided by the Dispute Resolution by Hearing Officers (by mediation) ALJ (formal hearing).	Fund pays award with first prior lien on employers assets.	By reconsideration Commissioner of Labor. ⁴⁸	By Agency.	Subject to approval of Commissioner.
Virginia	Workers' Compensation Commission	In writing within 30 days.	Within 2 years after accident or 2 years after death. Failure to file Employer's Accident Report may toll time for claim filing. Payment of benefits does not toll.	By agreement, after 10 days from injury, or at any time after death, subject to approval of Commissioner. Disputed cases settled by Commission or member after hearing upon application.	Judgment in Circuit Court on certified copy of agreement or award.	By full Commission within 20 days after opinion.	By Commission on own motion or application within 2 years of last payment, or 3 years for scheduled injuries. ⁴⁹	Fixed by Commission.
Washington	Department of Labor and Industries	Immediately.	Within 1 year from date of injury or date rights of beneficiaries accrued (2 years for occupational diseases).	By Department of Labor and Industries. ⁴⁹	Fund or self-insurer pays award.	By Board of Industrial Insurance Appeals within 60 days of affected party(ies) receipt of decision. Agency may reassume jurisdiction from the Board for reconsideration and further appealable decision.	For full benefits, limited benefits on application after 7 years (10 years for vision).	Maximum fees established by statute — 30% of increased award.
West Virginia	Workers' Compensation Commission	Immediately.	Injury claims within 6 months of injury; disease claims within 3 years of last exposure; fatal claim within 1 year of death.	By Workers' Compensation Commission. Compromise settlements subject to approval by the Office of Judges.	Fund begins payment 30 days following the granting of an award.	By the Office of Judges. Decisions subject to appeal to the West Virginia Workers' Compensation Appeal Board.	By the West Virginia Workers' Compensation Commission within 5 years of written application or within 2 years of date of death.	Maximum fees established by statute; limited to 20% of claimant's or dependent's award (up to 208 weeks).

Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Wisconsin	Workers' Compensation Division	Within 30 days; excusable.	Within 2 years after injury or death. Excusable if employer knew of disability. All rights barred after 12 years from injury, death or last payment.	By payment of amount due. Compromise subject to review by Department within 1 year. Disputed cases settled by Department.	Judgment in Circuit Court on certified copy of award.	By Commission within 21 days of decision.	By Commission on its own motion within 21 days; compromises may be modified within 1 year. If occupational disease, subject to review within 12 years.	Limited to 20% of amount in dispute. If admitted liability, not to exceed 10% or \$100.
Wyoming	Division of Workers' Compensation	Within 72 hours (also within 10 days to the division); excusable.	Within 1 year after injury or discovery of injury not readily apparent.	By Division of Workers' Compensation, hearing examiners or Medical Commission. Appeals to District Court.	Fund pays award.		Within 4 years or during time payments are made on application.	Reasonable fees as allowed by court. Limited to \$90 per documented hour.
FECA	Division of Federal Employees' Compensation O.W.C.P., U.S. Dept. of Labor	30 days; extended for cause.	Within 3 years after injury or death; extended for cause.	By Division.	Fund pays award.	By Secretary of Labor on own motion or application anytime within 1 year.	By Secretary of Labor or Employees' Compensation Appeals Board on review.	Subject to approval by Division or Appeals Board.
Longshore Act	Division of Longshore and Harbor Workers' Compensation O.W.C.P., U.S. Dept. of Labor	Within 30 days.	Within 1 year after injury or death, or date of last payment. Within 2 years after aware of occupational disease.	By District Director (by agreement) or ALJ (formal hearing).	Award is effective on filing.	By District Director upon own motion or application and by Benefits Review Board of Appeal.	By District Director or Court on review.	Approval by District Director, Court, or Review Board where service given.
Alberta	Workers' Compensation Board	As soon as practical.	Within 2 years after injury or death; excusable.	By Case Manager.	Fund pays award.	By review committee on request, then by Appeals Commission within one year; excusable.	By Review Committee and Appeals Commission at any time on application or own motion.	Fees for lawyers or advocates may not be paid by the Board. (RSCM 100.72)
British Columbia	Workers' Compensation Board	As soon as practical.	Within 1 year after injury, death or disablement from occupational disease. Within 3 years if special circumstances precluded application within 1 year. (s. 55 & RSCM 93.21) In circumstances where an application is accepted after 3 years, compensation is payable only from the date of filing. ⁴⁰	By Adjudicator.	Fund pays award.	Board may reconsider if more than 75 days have not elapsed since decision was made and if matter has not been appealed to the Review Division of Workers' Compensation Appeal Tribunal (s. 99(5)).		Government appointed advisors may provide free assistance to injured workers and employers to resolve WCB claims issues.
Manitoba	Workers' Compensation Board	In writing as soon as practicable but no later than 30 days; Excusable.	Within 12 months after injury or death; Excusable.	By Claims Adjudicator, Case Manager.	Fund pays award.	At any time.	By Board.	⁴¹

Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
New Brunswick	Workplace Health, Safety & Compensation Commission	As soon as practicable after the happening of the accident and before the worker has voluntarily left the employment in which he was injured.	Within 1 year after injury or 6 months after death; excusable.	By Claims Adjudicator.	Fund pays award.	At any time.	At any time by the Commission based on evidence or by decision of Appeals Tribunal.	None at Appeals Tribunal; determined by the court at Court of Appeal.
Newfoundland	Workplace Health, Safety & Compensation Commission	As soon as practicable.	Within 3 months after injury; within 6 months of death.	By Case Manager.	Fund pays award.	At any time.	Appeal of Commission's final decision goes to the Workplace Health Safety & Compensation Review Division	
Northwest Territories	Workers' Compensation Board	As soon as practicable.	Within 1 year after injury or death; excusable as soon as practicable; maximum 3 years after death.	By Adjudicator or Case Manager.	Fund pays award.	At any time.	By Board.	Free assistance of worker advisor. Do not pay attorney fees.
Nova Scotia	Workers' Compensation Board	As soon as practicable.	Within 12 months. Failure to give notice may be waived, but only within 5 years from date of accident.	By Case Worker.	Fund pays award for regularly classified employers.	Appeals to internal Hearing Officers; external appeals to Appeals Tribunal.	By Board.	Free assistance of government appointed Workers' Advisors available to clients. Fees paid by Accident Fund.
Nunavut	Workers' Compensation Board	As soon as practicable.	Within 1 year after injury or death; excusable as soon as practicable; maximum 3 years after death.	By Adjudicator or Case Manager.	Fund pays award.	At any time.	By Board.	Free assistance of worker advisor. Do not pay attorney fees.
Ontario	Workplace Safety & Insurance Board	As soon as practicable.	Employer files notice within 3 days; worker files claim within 6 months.	By Board.	Fund pays benefit: Schedule 1—Employers; Schedule 2—Individually liable.	At any time.	By Board.	
Prince Edward Island	Workers' Compensation Board	As soon as practicable.	Within 6 months after injury or death.	By Case Manager.	Fund pays award.	At any time.	By Board. ^a	
Québec	Commission de la Santé et de la Sécurité du travail du Québec	As soon as practicable after injury or knowledge of occupational disease.	Within 6 months after injury, or from first knowledge of the manifestation of an occupational disease.	By Commission.	Fund pays award. Individual liability for employers held personally responsible for the payment of benefits.	A medical finding or medical decision within 30 days to the medical Review Panel. Reconsideration by Board within 90 days of decision. ^a	By Commission.	

Chart XI — Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Saskatchewan	Workers' Compensation Board	As soon as practicable; excusable.	Employer: within 5 days of awareness of injury; Worker: within 6 months of injury. Excusable. ⁴⁵	By Claims Entitlement Specialist	Fund pays award.	At any time.	By Board.	
Yukon Territory	Workers' Compensation Health and Safety Board	As soon as practicable.	Within 1 year of injury or death.	By Claims Adjudicator.	Fund pays award.	At any time.	By Board.	
Canadian Merchant Seaman's Act	Merchant Seaman Compensation Board	As soon as practicable.	Within 6 months after injury or death; excusable.	By Board.	Judgment in county, district of Québec Superior Court on certified copy of award.	At any time.	By Board.	Board may award "expenses of proceeding" to successful party.

Notes

1. Alaska — Burden of proof shifted to claimant if late notice excused.
2. Arizona — Limit on filing runs from when injury is manifest or when claimant knows/should know relation to employment; tolled during incapacity.
3. Arkansas — If no hearing is requested within 6 months of claim filing, the claim may be dismissed.
4. Arkansas — A "joint petition settlement" is authorized where all parties petition an immediate final settlement by the Commission. In such cases, an order of the Commission is final except as to appeals to the courts, but an order of the Commission allowing or denying such petition is not appealable.
5. California — Typically 9–12% of contested benefits, which are usually permanent disability awards. Attorney's fee in rehabilitation cases is lesser of approximately 12% of rehabilitation benefit or reasonable hourly fee for services to attain these benefits.
6. Colorado — Statute excepts certain occupational diseases.
7. Colorado — If claimant has previously agreed to settlement, case will not be reopened except on grounds of fraud or mutual mistake of material fact.
8. Connecticut — Lack of notice excused if voluntary agreement or medical treatment within 1 year after accident.
9. Connecticut — Within 3 years after first manifestation of disease (see Chart IV).
10. Connecticut — The Commissioners comprise the Review Board.
11. Georgia — Automatic dismissal of claims for which no hearing has been held for 5 years.
12. Georgia — 12% interest on all accrued amounts of awards. Interest runs on Superior Court judgment in event of appeal.
13. Hawaii — Director may extend due date for good cause if parties agree.
14. Idaho — When compensation is discontinued, claimant has 5 years from date of injury or showing of occupational disease to file request for a hearing of further review. If compensation is discontinued more than 4 years after injury, claimant has 1 year from date of last payment to file request for a hearing of further review.
15. Illinois — Under Occupational Disease Act, as soon as practicable.
17. Kansas — If employer fails to report accident within 28 days, claim must be served on employer within 1 year after accident, and application must be filed with Division within 3 years after employer reports accident. *Childress v. Childress Painting Co.*, 1979.
18. Kentucky — There is a 4 year statute of limitation for all parties — except for reopenings for medical issues, fraud, employee returning to work at equal or greater wages thereby resulting in a 50% reduction, or an employee holding a total award returning to work; a motion to reopen cannot be made within one year of a previous motion to reopen. For coal workers pneumoconiosis, an additional 2 years of employment with continuous injurious exposure is required prior to motion reopen.
19. Louisiana — For injuries occurring after 7/1/83. Claims filed before 1/1/90 for injuries occurring after 7/1/83, approved by Director.
20. Maine — Claimant gets additional year in cases of death of employee. Two year period does not run until employer files first report of injury in cases which report is due. No petition after 6 years of latest payment.
21. Maryland — Claim filed by employee direct with Commission. Employer or insurer who receives completed claim form must send it to Commission immediately and may not advise claimant that claim is denied.
22. Massachusetts — For injuries after 12/24/91, employee will contribute portion of award to attorney's fees.
23. Michigan — No claim valid unless made within 2 years after injury, manifestation of disability or last employment, whichever is later. Deadline suspended if worker receives any disability benefits.
24. Minnesota — Now includes small claims court. Disputes of less than \$5,000, by agreement of parties; no appeal.
25. Minnesota — Employer who threatens to discharge claimant for filing claim is subject to civil suit for treble damages, costs and attorney's fees.
26. Nevada — Late filing may be excused in some circumstances.
27. Nevada — Insurer's delay or refusal to pay a claim within 30 days after notification, subjects them to an order for an additional amount equal to three times the amount specified as a benefit to the injured employee.
28. New Mexico — If employer has actual knowledge of the accident then no notice is necessary.
29. New Mexico — The statutory time for filing a claim is also dependent on the employer's filing the First Report of Injury or Illness with the Administration.
30. New Mexico — A mediation hearing must be completed, and a resolution issued, within 60 days of the filing of the complaint.
31. Ohio — Claimant's statute of limitations extended for every day the employer fails to make required notice to the Commission, up to 4 years from date of injury, disease or death.
32. Pennsylvania — Workers' Compensation Advisory Council recommends changes in administration of law.
33. Pennsylvania — Late discovery may extend the time for filing a claim involving an occupational disease.
34. South Carolina — Payment must begin within 14 days after employer has knowledge of injury or death.
35. Tennessee — Tennessee Claims Commission administers claims by State employers.
36. Texas — Employer who discriminates against claimant is liable for damages.
37. Utah — Claim for TT or PT disability hearing must be filed within 6 years of injury.
38. Virginia — In cases where no compensation has been paid, commission may make award within 3 years from the date of accident.
39. Washington — Provision is made for recoupment of benefits paid through mistake or fraud.
40. British Columbia — In circumstances where an application is accepted after 3 years, compensation is payable only from the date of filing.
42. Manitoba — Government appointed adviser handles workers' claims. As well, an internal body, the Fair Practices Office, addresses concerns brought forth by employers, injured workers, and their dependents. The office is not involved in the appeal process.
43. Prince Edward Island — Modification of award due to aggravation or recurrence of injury may be based on earnings and benefits in effect at that time in accordance with legislation.
44. Québec — By administrative review if appealed within 30 days; from review to appeal division if appealed within 45 days.
45. Saskatchewan — The Office of the Worker's Advocate and the Provincial Ombudsman (Government appointed advisors) offers assistance to workers with their workers' compensation claims. Every worker and his or her dependents have the right to review and to appeal WCB decisions about their claims.
46. Figures could not be confirmed at the time of publication; information taken from the 2003 Analysis.
47. Nevada — Insurers are required to submit a written report to DIR within 30 days after acceptance or denial of claims regarding diseases of heart or lungs, infectious diseases or cancer.
48. Virgin Islands — Commissioners' decision may be appealed in court of competent Jurisdictions.

Chart XII — Employer's Report of Accidents

Jurisdiction	Keeping of Accident Records by Employer ¹	Reporting Requirements ¹		Penalties for Failure to Report		
		Injuries	Time Limit	Fines		Imprisonment
				Maximum	Minimum	
Alabama	Required	Death or disability exceeding 3 days	Within 15 days			
Alaska	Required	Death, injury, or disease or infection	Within 10 days			
Arizona	Required	All injuries	Within 10 days			
Arkansas	Required	Indemnity, injuries or death ² Controverted, medical only	10 days from notice of injury	10,000		Petty offense Class D Felony
California	Required	Death cases or serious injuries 1 day or more than first aid Occupational diseases or pesticide poisoning	Immediately ⁷ As prescribed Within 5 days	200	50	
Colorado	Required	Death cases Injuries causing lost time of greater than 3 days or three shifts ⁸ Any accident in which 3 or more employees are injured Occupational disease cases Cases of permanent physical impairment	Immediately ⁸ Within 10 days ⁸ Immediately 10 days ⁸ 10 days ⁸			
Connecticut	Required	Disability of 1 day or more	7 days, or as directed	250		
Delaware	Required	Death cases or injuries requiring hospitalization Other injuries	Within 48 hours ⁹ Within 10 days ⁹	250	100	
District of Columbia	Required	All injuries	Within 10 days	1,000		
Florida	Required	Death cases All injuries	Within 24 hours ¹⁰ Within 7 days to carrier ¹⁰	1,000		
Georgia	Required	All injuries requiring medical or surgical treatment or causing over 7 days absence	Within 21 days ¹¹	1,000 ¹²	100 ¹²	
Guam ¹³	Required	Injury, illness, or death	Within 10 days ¹³	500 ¹⁴		
Hawaii	Required	Death cases All injuries	Within 48 hours Within 7 working days	5,000		
Idaho	Required	All injuries requiring treatment by physician or using 1 day's absence	As soon as practicable, but not later than 10 days after the accident ²	300		Up to 6 months
Illinois	Required	Death case or serious injuries Disability of over 3 days Permanent disability	Within 2 working days Between the 15th and 25th of the month Soon as determinable	500		Petty offense
Indiana	Required	Disability of more than 1 day	Within 7 working days ¹⁵	500		
Iowa	Required	Disability of more than 3 days, PP disability, death	Within 4 days	1,000	1,000	
Kansas	Not required	Death cases Disability of more than remainder of day or shift	Within 28 days of knowledge Within 28 days of knowledge	250 ¹⁶		
Kentucky	Required	Disability of more than 1 day	Within 7 days ²	1,000	100	
Louisiana	Required ¹⁷	Lost time over 1 week or death	Within 10 days of employer's actual knowledge of injury.	500		
Maine	Required	Only injuries causing 1 day or more of lost time.	Within 7 days	100 ¹⁸		
Maryland	Not required	Disability of more than 3 days	Within 10 days	50 and defacto loss of defense of statute of limitations		
Massachusetts	Required	Disability of 5 or more calendar days	Within 7 days—except Sundays and Holidays	100 ¹⁹		
Michigan	Required	Death cases, disabilities of 7 days or more, and specific losses	Immediately			
Minnesota ²⁰	Required	Death or serious injury Disability of 3 days or more	Within 48 hours Within 14 days	500		
Mississippi	Required	Death, disability more than 5 days ²¹	Within 10 days	100 ²¹		
Missouri	Not required	Death or injury	Within 10 days ²²	500	50	1 week to 1 year

Chart XII — Employer's Report of Accidents, Cont.

Jurisdiction	Keeping of Accident Records by Employer ¹	Injuries	Reporting Requirements ¹	Penalties for Failure to Report		
				Fines		
			Time Limit	Maximum	Minimum	Imprisonment
Montana	Required	All injuries	Within 6 days	500	200	
Nebraska	Required	Death cases ²³ All injuries	Within 48 hours ²³ Within 7 days	1,000 ²³		Up to 6 months
Nevada	Required ²⁴	All injuries requiring medical treatment	Within 6 working days after report from physician	1,000	100	
New Hampshire	Required	All injuries involving lost time or medical expenses	Within 5 calendar days	2,500		
New Jersey	Required	All injuries ²⁵	Immediately	50	10	
New Mexico	Required ²⁶	Any injury or illness resulting in more than seven days of lost time	Within 10 days of employer notification	1,000		
New York	Required ²⁷	Disability of 1 day beyond working day or shift on which accident occurred or requiring medical care beyond two first aid treatments	Within 10 days	2,500		Up to 1 year
North Carolina	Required	Disability of more than 1 day or charges for medical compensation exceeding the amount set by the Commission	Within 5 days ²	25	5	
North Dakota	Not required	All injuries	Within 7 days			
Ohio	Required	Injuries causing 7 days total disability or more	Within 1 week	250		Up to 30 days
Oklahoma	Required	Fatalities; All injuries causing lost time or requiring treatment away from worksite	Within 10 days or a reasonable time	1,000		
Oregon	Required	All claims or injuries that may result in compensable injury claims.	Within 5 days after employer knowledge ²⁸	²⁹		
Pennsylvania	Required	Death cases Disability of 1 day or more	Within 48 hours After 7 days but not later than 10 days	³⁰		
Puerto Rico ⁴³	Required	All injuries	Within 5 days	100		
Rhode Island	No provision	Death cases Disability of 3 days or more and all injuries requiring medical treatment Any claim resulting in medical expense to be reported within 10 days	Within 48 hours Within 10 days Within 3 years — injuries prior to 5/18/92; 2 years — 5/18/92 and after	250 per offense		
South Carolina	Required	All injuries requiring medical attention more than \$500, more than 1 day disability or permanency	Within 10 days ²	100	10	
South Dakota	Required	³¹	Within 7 days	200 ³²		And/or 30 days
Tennessee	Not required	All injuries requiring medical attention	Within 14 days	\$25 per each 15 days	25	
Texas	Required	Disability of more than 1 day, or occupational disease	Within 8 days ³⁹	500		
Utah	Required	All injuries requiring medical attention	Within 7 days	500		
Vermont	Required	Disability of 1 day or more or requiring medical care	Within 72 hours. 2 Sundays and legal holidays excluded.	5,000		
Virgin Islands	Required	Injury or disease	Within 8 days	500		Up to 6 months
Virginia	Required	All injuries	Within 10 days ²	5,000	500	
Washington	Required	Deaths and accidents resulting in workers hospitalizations or inability to work.	Immediately	250		
West Virginia	Not required	All injuries	Within 5 days			
Wisconsin	Required	Disability beyond 3 day waiting period	Within 14 days	³³		
Wyoming	Required	All injuries	Within 10 days	750		Up to 6 months
FECA	Noprovision	³⁴	Immediately			
Longshore Act	Required	³⁵	10 days	11,000		
Alberta	Required	All injuries that disable or require medical aid	72 hours ³⁴	\$25,000 plus \$10,000 per day for continuing offences		Up to 6 months

Chart XII — Employer's Report of Accidents, Cont.

Jurisdiction	Keeping of Accident Records by Employer ¹	Reporting Requirements ¹		Penalties for Failure to Report		
		Injuries	Time Limit	Fines		
				Maximum	Minimum	Imprisonment
British Columbia	Required	Death cases All injuries not specifically excepted	Immediately 3 days	36		
Manitoba	No provision	All accidents that disable or require medical aid	5 business days	37		
New Brunswick	No provision	All injuries that disable or require medical aid In addition, incidents involving accidental explosions or accidental exposure to a biological chemical or physical agent at a place of employment, whether or not a person is injured, within 24 hours following the incident.	Under WC Act 3 days, under OH&S Act immediately for accidents involving fatalities, loss of limb, occupational diseases, or accidents that require hospitalization.	\$100 under WC Act, if charged under OH&S Act, maximum of \$50,000 determined by Court.		Under OH&S Act, 6 months in prison determined by the Court.
Newfoundland	No provision	All accidents that disable or require medical aid	3 days	1,000 ³⁸		Up to 3 months, or both
Northwest Territories	No provision	All accidents and deaths	3 days ³	1,000	250	
Nova Scotia	No provision	All accidents resulting in time loss or visit to doctor.	5 business days of becoming aware of accident	500	100 initial penalty, 25 for each additional day	
Nunavut	No provision	All accidents and deaths	3 days ³	1,000	250	Up to 6 months
Ontario	Required	All accidents that require health care or result in worker being unable to earn full wages or require modified duties for more than 7 days	3 calendar days	250 ⁴¹		
Prince Edward Island	No provision	All accidents that disable or require medical aid	3 days	1,000	100/day	
Quebec	Required, including no loss time injuries	All accidents that caused the worker to be unable to carry on employment beyond the day on which the employment injury appeared, and those that require medical aid	2 days after day of return to work within first 14 days; if more than 14 days, 2 days after the 14th day	2,000	500	
Saskatchewan	No provision	All injuries	5 days ³	1,000 ⁴²		
Yukon Territory	No provision	Any, on the possibility of any work-related disability	3 days	Up to 500		
Canadian Merchant Seaman's Act	No provision	All accidents that disable or require medical aid	60 days	500		Up to 12 months

Chart XII — Employer's Report of Accidents, Cont.

Notes

1. Federal Occupational Safety and Health Act of 1970 established uniform requirements and forms to meet its criteria for all businesses affecting interstate commerce to be used for statistical purposes and compliance with the Act. 12 U.S.C. §651.

2. Supplemental report required after 60 days (for Rhode Island and South Carolina every 6 months), or upon termination of disability.

3. Attending physician also required to make periodic reports to Commission/Board.

4. Supplemental report within 24 hours after returning to work or knowledge that worker is able to return.

5. Alaska — 20% of unpaid amounts due.

6. Arkansas — Medical only claims reported monthly.

7. California — To division of Occupational Safety and Health. Within 5 days of employer's notice or knowledge of employee death, employer must report death to the Department of Industrial Relations. Effective January 1, 2003 the minimum civil penalty has been increased to \$5,000 for failure to report a fatality or serious injury or illness to the Division as required by section 342 of Title 8 of the California Code of Regulations. Only the amount of the penalty has been changed, not the reporting requirements.

8. Colorado — Failure to report tolls time for claims. Disability 3 days or less must be reported to insurer.

9. Delaware — Supplemental report due on termination of disability.

10. Florida — Death cases — by phone to division within 24 hours. All injuries — Carrier to send first report form to division, if injury involved lost-time.

11. Georgia — Supplemental report on first payment and suspension of payment, and within 30 days after final payment.

12. Georgia — For each violation.

13. Guam — Failure to report tolls limits for claims.

14. Guam — For each refusal or willful neglect to report.

15. Indiana — Supplemental report within 10 days after termination of compensation period.

16. Kansas — Failure to report tolls time limit for claims. *Childress v. Childress Painting Co.*, 1979. \$250 for each repeated failure to report.

17. Louisiana — Employers with more than 10 employees must also report within 90 days after death, any nonfatal occupational illness or injury causing loss of consciousness, restriction of work or motion, job transfer, or medical treatment other than first aid. Violation of confidentiality of any record, subject to \$500 fine.

19. Maine — For each violation. Up to \$1,000 for individual and \$10,000 for corporation for any willful violation of Act, fraud or intentional misrepresentation.

20. Massachusetts — After third violation.

21. Mississippi — Permanent disability, serious head or facial disfigurement also covered. \$2,000 may be added to any award and \$2,000 may be ordered payable to the Commission.

22. Missouri — Supplemental report within 1 month after original notice to Division.

23. Nebraska — Report may be made by insurance carrier or employer. Failure to report tolls time limit.

24. Nevada — For minor injuries not requiring medical treatment, the employee files a "Notice of Injury," which must be retained by the employer for 3 years. A claim for compensation is filed with the insurer for lost time and claims requiring medical care.

25. New Jersey — Uninsured employers are required to report compensable injuries only. If insured, report is made to carrier within three weeks.

26. New Mexico — For EDI filings all injuries having more than \$300 of expenses must be reported to the Administration. A subsequent report from the claims administrator is required upon payment of any claim.

27. New York — The carrier or employer, if self-insured, is required to provide a written statement of rights under the Law to injured employee or dependent, if deceased.

28. Oregon — Insurers to send initial disabling claims acceptance, aggravation claim acceptance, and claim denial to WC Division within 14 days.

29. Oregon — Quarterly penalty for insurers when late reporting exceeds 20% of claims reported. Employers liable for civil penalty if employer induced worker not to report accidents.

30. Pennsylvania — Late filing of an accident report may be penalized by a sum not exceeding 10% of the compensation awarded and interest accrued and payable; however, in cases of excessive delay, penalty can be increased to 50%.

31. South Dakota — Any injury requiring treatment other than first aid or which incapacitates employee for at least 7 calendar days.

32. South Dakota — Additional Administrative Fine of \$100.00.

33. Wisconsin — 10% of first payment to injured employee. \$10 to \$100 penalty to state.

34. FECA — All injuries involving medical expenses, disability, or death.

35. Longshore Act — Injuries which cause loss of 1 or more shifts of work, or death.

36. British Columbia — Employer may be liable for additional assessment until 3 days after receipt by the Board of the report.

37. Manitoba — If found guilty, employer may be liable for a fine up to \$5,000. A penalty of \$150 may be imposed on the employer. The penalty may be relieved in whole or in part.

38. Newfoundland — The cost of the compensation paid for the injury is charged against the employer's experience plus \$50 assessment. On summary conviction, the fine is \$25,000 or imprisonment up to 6 months, or both. Claim may be charged against employer's experience for failure to notify.

39. Texas — Supplemental report required upon termination of disability or change in post-injury earnings.

41. Ontario — If employer is an individual, may also be liable for additional fine up to \$25,000 on conviction, or imprisonment up to 6 months, or both. If employer is not an individual, may also be liable for additional fine up to \$100,000 on conviction.

42. Saskatchewan — Plus percentage of assessment and where the Board orders, pay to the Board any part of the amount of the compensation and medical aid that the Board awards for that injury.

43. Figures could not be confirmed at the time of publication; information taken from the 2003 Analysis.

Chart XIII — Second Injury Funds

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Alabama	Second Injury Fund eliminated.				
Alaska	Second injury which added to pre-existing permanent physical impairment results in substantially greater disability than from second injury alone.	Disability caused by second injury up to 104 weeks.	Compensation in excess of 104 weeks.	Up to 6% of compensation payable to fund; percentage varies from 0% to 6% depending on fund balance. \$10,000 in no-dependency death cases; civil penalties.	"Physical impairment" as listed or would support an award of 200 weeks or more.
Arizona	Second injury which added to a pre-existing work-related disability or a pre-existing physical impairment not industrially related (25 types of handicaps as listed by statute) results in disability of work.	Disability caused by second injury.	Employer and special fund are equally liable for remaining difference between compensation payable for second injury and compensation for combined disability.	1.5% of all premiums and costs of self-insurance. Commission may allocate up to 0.5% of yearly premiums to special fund to keep fund actuarially sound.	Employer must have knowledge of non-industrial physical impairment. Payments are also made from the fund for vocational rehabilitation, claims against non-insured employers, insolvent carriers, and supportive medical care.
Arkansas	Second injury, which added to previous PP disability or impairment results in additional disability or impairment greater than from second injury alone.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent disability.	\$500 in no-dependency death case to be paid to the Death and Permanent Total Disability Trust Fund. A portion of premium tax allocated to the Second Injury Fund and Death and Permanent Total Disability Trust Fund.	
California	Second permanent partial injury which added to pre-existing PP disability results in 70% or more permanent disability. Second injury must account for 35%. ²	Disability caused by second injury.	Difference between compensation payable for second injury and permanent disability.	Legislative appropriations and \$125,000 in each no-dependency death case or unpaid balance. Funds are also received from the employer-paid Subsequent Injuries Benefits Trust Fund Assessment.	Payments are made by State Compensation Insurance Fund.
Colorado	Second injury which added to pre-existing PP disability results in PT disability. Includes specified occupational diseases with multiple exposure-asbestosis, silicosis, anthracosis and disease from radiation exposure. ³	Disability caused by most recent injury, in addition, in occupational disease cases, fund pays all medical and all compensation above \$10,000.	Difference between compensation payable for most recent injury and PT disability.	2.318% (in combination with Major Medical Ins. Fund) premium surcharge and equivalent charge on self-insurers. \$15,000 in non-dependency fatal cases or the remainder of \$15,000 in partial dependency claims. If deceased is minor with no dependents, \$15,000 is paid to parents, or the remainder of \$15,000 in partial dependency claims penalties.	If employee obtains employment while receiving compensation from second injury fund, fund may reduce its contribution by one half of employee's AWWW loss, subject to maximum and minimum.
Connecticut	Second injury or disease which added to pre-existing injury, disease or congenital causes results in permanent disability greater than from second injury alone. Applies only to injuries occurring on or before 6/29/95.	Benefits for first 104 weeks, less compensation payable for prior disability.	Benefits beyond first 104 weeks, less compensation payable for prior disability.	Tax equal to 5% of compensation paid by carriers and self-insurers during preceding calendar year plus fines.	Tax imposed each time fund balance is reduced to \$1,000,000.
Delaware	Second injury or disease which added to existing permanent injury from any cause results in PT disability, for insureds only.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent disability.	Tax of 2% of premiums received by insurance carriers.	
District of Columbia	For injuries occurring prior to 4/16/99 second injury or disease which added to pre-existing injury, disease or congenital causes results in permanent disability greater than from second injury alone. Second injury fund repealed for injuries occurring on or after 4/16/99.	Benefits for first 104 weeks and medical benefits beyond 104 weeks for injuries occurring on or after 3/16/91.	Benefits beyond 104 weeks for injuries occurring prior to 3/16/91; lost wages only for injuries on or after 3/16/91.	\$5,000 in no-dependency death cases or unpaid awards. Pro rata assessments upon self-insurers based on paid losses and premium surcharge on insured employers.	Special Fund pays default cases.
Florida	Second Injury Fund eliminated. No claims after 12/30/97.				

Chart XIII — Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Georgia	Second injury or disease which merges with prior permanent physical impairment and results in greater disability than from second injury alone.	Disability caused by second injury for first 104 weeks.	Employer reimbursed for 50% of medical and rehabilitation expenses in excess of \$5,000 up to \$10,000 and 100% of medical and rehabilitation expenses in excess of \$10,000, plus income benefits beyond 104 weeks.	Assessments on carriers and self-insurers proportionate to 175% of disbursements from fund to annual compensation benefits paid, less net assets in fund.	Employer must have prior knowledge of impairment. Assessments may be reduced or suspended when no funds are needed.
Guam ¹²	Second injury which combined with a previous disability causes PT disability.	Disability caused by second injury.	Difference between compensation payable for second injury and compensable disability.	State fund (appropriation).	
Hawaii	Second injury which added to pre-existing disabilities results in greater permanent disability, PT disability or death.	Disability benefits for first 104 weeks.	Compensation beyond first 104 weeks.	25% of 312 x effective maximum weekly benefit rate in no-dependency death cases; unpaid balance of compensation due in PT and PP disability cases if no dependents; special assessment on insurers and self-insurers.	
Idaho	Second injury which combined with prior permanent physical impairment results in PT disability.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent disability.	Proportionate assessment based on semi-annual reporting of indemnity payments paid but not less than \$200.	Assessment calculated as two times previous year's payments by fund less existing cash balance.
Illinois	Second injury involving loss or loss of use of major members or eye which added to pre-existing loss of member results in PT disability.	Disability caused by second injury. ⁴	Difference between compensation payable for second injury and PT disability.	Semi-yearly employer payment of .125% of compensation payments.	When fund reaches \$500,000 amount payable into fund reduced by 1/2; payments cease when fund reaches \$600,000. When fund reduced to \$400,000, payment of 1/2 amount required. When fund reaches \$300,000, payment of full amount resumed.
Indiana	Second injury involving loss or loss of use of hand, arm, foot, leg or eye or damage to prosthetic device, which added to pre-existing loss or loss of use of member results in PT disability.	Disability caused by second injury.	Difference between compensation payable for second injury and PT disability.		Assessment of up to 2.5% any time the fund drops below \$1,000,000 on or before 10/1.
Iowa	Second injury involving loss or loss of use of member or eye which added to pre-existing loss of use of member results in permanent disability.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent disability, less value of previous loss of member or organ.	\$12,000 in dependent death cases; \$45,000 in no-dependent death cases; and payments due but not paid to non-resident alien dependents.	A surcharge on weekly benefits paid by insurers and self-insurers can be imposed if necessary through 7/1/08.
Kansas	Second Injury Fund abolished for accidents after 7/1/94.				
Kentucky	Second Injury Fund eliminated.				
Louisiana	Second injury which merged with known prior PP disability results in disability substantially greater than from second injury alone, or in death. ⁵	Total disability benefits for first 104 weeks; in death cases, first 175 weeks; 50% of medical benefits which exceed \$5,000 but are less than \$10,000, and 100% thereafter is how much employer is reimbursed.	Employer is reimbursed for all weekly compensation payments payable after first 104 weeks, or 175 weeks concerning a death.	Assessment on carriers and self-insurers, based on benefits paid.	No reimbursement without assessment payment. Total assessment cannot be more than 125% of disbursements made from the fund in prior fiscal year. Insurers or self-insured needs Board approval for settlements on or after 10/1/95 for reimbursement.

Chart XIII — Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Maine	Second Injury Fund eliminated.				
Maryland	Second injury which combined with a pre-existing permanent impairment due to accident, disease or congenital condition results in a greater combined disability constituting a hindrance to employment; total payment disability must exceed 50% of body (or equivalent) as a whole with at least 25% due to accident and 25% pre-existing.	Disability caused by second injury.	If permanent disability exceeds 50% of the body as a whole, employee is entitled to additional compensation for the full disability from the "Subsequent Injury Fund." Prior and second injury must each be compensable for at least 125 weeks. Credit given to SIF for prior W/C awards & settlements.	6 1/2% to the Subsequent Injury Fund of compensation on all awards and settlement agreements.	
Massachusetts	Second injury which added to pre-existing physical impairment results in substantially greater disability or death.	Benefits for first 104 weeks.	Employer reimbursed for up to 75% of benefits after first 104 weeks.	Assessment on employers.	Pro rata assessment based on losses paid during preceding year by carriers and self-insureds.
Michigan	Second injury involving loss of member or eye, which added to pre-existing loss of member results in PT disability.	Disability caused by second injury.	Difference between compensation for second injury and PT disability. Benefits for employee with more than 1 job but for whom injury occurred on job which represented less than 80% AWW. ⁸	Assessments on carriers and self-insurers proportionate to 175% of disbursements from fund to annual compensation benefits paid.	Fund is credited with any balance in excess of \$200,000.
Minnesota ¹²⁰	Second Injury Fund eliminated for injuries after 6/30/92.				
Mississippi	Second injury involving loss or loss of use of member or eye, which added to pre-existing loss or loss of use of member or eye results in PT disability.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent disability.	\$500 in no-dependency death cases; \$300 in dependency cases. Commission may transfer up to \$200,000 from Administrative Expense Fund.	Payments suspended when fund reaches \$350,000 and resumed when fund reduced to \$150,000.
Missouri	Second Injury Fund cases where previous PP industrial disability of at least 12 1/2% BAW or 15% of major extremity exists and where presents additional disability of at least 12 1/2% BAW or 15% of major extremity exists.	Disability caused by second injury.	Difference between compensation payable for second injury and compounded disability.	Surcharge set annually on basis of statutory as a percentage of premiums paid by all insured and self-insured premium equivalent.	Surcharge suspended when balance of fund exceeds 110% of the monies projected paid from Second Injury Fund in the ensuing calendar year and resumed when balance of fund is less than 110% of monies projected to be paid from the Second Injury Fund.
Montana	Any new compensable injury following certification.	Insurer liable for payment of medical benefits for 104 weeks following the injury and liable for the first 104 weeks of indemnity benefits.	Employer reimbursed after first 104 weeks.	Surcharge on employers set annually as a percentage of premium sufficient to recoup expenses from the fund in the prior year.	Department must certify worker as vocationally handicapped.
Nebraska	For injuries occurring before 12/1/97: second injury which combined with pre-existing disability causes substantially greater disability. Pre-existing disability must support 25% earnings loss or 90 weeks of benefits. ^{21,8}	Disability caused by second injury.	Difference between compensation payable for second injury and the total resulting disability.	2% assessment of benefits paid by carriers or self-insurers in the state in the prior year.	Payments suspended when fund reaches \$2,300,000. Assessment (2%) when fund reduced to \$1,200,000. Employer must have knowledge of preexisting permanent disability.

Chart XIII — Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Nevada	If employee of member of second injury fund has a preexisting permanent physical impairment of at least 6%, as determined by the <i>AMA Guides to Permanent Impairment</i> , from any cause and incurs a subsequent injury in the course of his employment entitling him to disability compensation substantially greater because of combined effects, the compensation due is charged to the second injury account of which the member belongs. ⁹				
New Hampshire	Second injury which combined with any pre-existing disability results in greater disability.	Benefits for first 104 weeks.	Employer reimbursed after first 104 weeks and for 50% of anything over \$10,000 during first 104 weeks.	Assessment against carriers and self-insurers proportional to total benefits paid by all carriers.	Employer who undertakes job modifications to retain injured worker is reimbursed 50% of cost of modification from the fund, not to exceed \$5,000 per year. An employer who reinstates a previously injured employee shall not be eligible for reimbursement from the fund, should the employee become injured a second time.
New Jersey	Second injury which in combination with pre-existing partial disability, compensable or not, totally disabled employee.	Disability caused by compensable injury.	Difference between compensation payable for second injury and preexisting disability.	Annual surcharge on policyholders and assessment on self-insured employers of pro rata percentage of 125% of payments estimated to be paid from fund during current year, less the year end balance over \$5 million. Annual surcharge paid quarterly.	The Commissioner of Labor may transfer up to \$12,500 annually from the Second Injury Fund, for administrative expenses incurred by the Fund.
New Mexico	Second Injury Fund eliminated.				
New York	Second injury where employee has a pre-existing permanent physical impairment resulting in a permanent disability caused by both conditions that is materially and substantially greater than that which would have resulted from the second injury alone.	Benefits for first 104 weeks. For death or disability on or after August 1, 1994, 260 weeks.	Employer reimbursed after first 104 or 260 weeks.	Assessment against carriers and self-insurers proportional to compensation payments made by all carriers and self-insurers. The amount of the assessment against each carrier, except the State Insurance Fund (SIF), is then calculated proportional to premiums written by all carriers. The amount of the assessment against the SIF and each self-insurer is calculated proportional to compensation payments made by the SIF and self-insurers.	Employer or insurer pays award and medical expenses, but is reimbursed from special disability fund for benefits after the first 104 weeks. For death or disability on or after August 1, 1994, 260 weeks.
North Carolina	Second injury involving loss of member or eye which added to pre-existing injury results in PT disability, provided the original and increased disability were each 20% of the entire member. ¹⁰	Disability caused by second injury.	Difference between compensation payable for second injury and PT disability.	Assessments against employer or insurer for each PP disability, up to \$250 for a minor member or \$750 for 50% or more loss or loss of use of each major member — back, foot, leg, hand, arm, eye, or hearing.	
North Dakota	Monopolistic state fund.				
Ohio	Second injury which aggravates pre-existing disease or condition (25 types of handicaps as listed by statute), resulting in death, temporary or PT disability, and disability compensable under a special schedule. ¹²	Disability attributable to injury or occupational disease sustained in employment.	Amount of disability or proportion of cost of death award determined by Bureau to be attributable to employee's pre-existing disability. The Bureau's decision may be appealed to the Industrial Commission.	Reserve set aside out of statutory surplus funds.	Self-insuring employers make excess payments from surplus fund; self insuring employers may opt not to participate in the handicap reimbursement fund. By rule of Commission in the case of State Fund employer, compensation excess of amount chargeable to second injury is charged to surplus fund.

Chart XIII — Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Oklahoma ¹³	Second injury to "physically impaired person" which results in additional permanent disability so that the degree of disability caused by the combination of disabilities is materially greater than that which would have resulted from the subsequent injury alone.	Disability caused by latest injury. Additional liability for combined disabilities constituting PTD if the last compensable injury occurs on or after 6/1/00. No liability for combined disabilities constituting PPD.	Liability for combined disabilities constituting PPD only if the claim for the subsequent injury or the last compensable injury occurred before 11/1/99. Liability for combined disabilities constituting PTD only if the last compensable injury occurred before 6/1/00.	Dividends to State agency policy holders insured by the State Insurance Fund (now known as CompSource Oklahoma) that are diverted to the Second Injury Fund (now known as the Multiple Injury Trust Fund), and a temporary assessment against workers' compensation payers. Carriers pay the assessment based on gross direct written premiums; self-insured employers pay against actual paid losses; group self-insurance associations pay against normal premium uninsured employers pay a 5% assessment on permanent disability and death awards per calendar quarter. The assessment rate is determined by the Workers' Compensation Court Administrator by May 1 of each year. The rate cannot exceed 6%.	PTD awards against the MITF are payable for 5 years or until 65, whichever is longer. PTD awards against the employer are payable for 15 years or until 65, whichever is longer.
Oregon	Any new compensable injury sustained by an injured worker within 3 years from the hire date as a Preferred Worker through the Workers' Benefit Fund.	None.	Employer-at-Injury Program: Provides assistance to employers to encourage the early return-to-work of their injured workers before claim closure. Benefits offered are a three-month wage subsidy, early return-to-work purchases, and worksite modification up to \$2,500. Preferred Worker Program: Employers hiring Preferred Worker are exempt from paying premiums and premium assessments on the worker for 3 years from hire date. Fund reimburses all claim costs incurred by the worker for any new compensable injury within the 3-year period. Other return-to-work incentives include work-site modification up to \$25,000, wage subsidy of 50% up to 183 calendar days and necessary purchase for obtained employment up to a maximum reimbursement of \$1,000.	Worker and employer each pay 1.7 cents per hour into Workers' Benefit Fund, which also funds three other programs.	Reimbursement from fund subject to funds available. Settlement of reimbursable claim requires department approval if Workers' Benefit Fund reimbursement involved.
Pennsylvania	Second injury involving loss or loss of use which added to pre-existing loss or loss of use of a hand, arm, foot, leg or eye which results in total disability. ¹⁴	Scheduled benefits as a result of second injury.	Remaining compensation due for total disability.	Assessment against carriers and self-insurers proportional to compensation payments.	Payments made directly by the Department.

Chart XIII — Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Puerto Rico ²⁰	Second injury which aggravates or augments any former disability.		Job injury not caused by work accident is compensated in addition to second injury. Compensation for prior job injury is deducted from compensation payable for total disability, except where combined injury results in PT disability, which is compensated as such.	Insurance premiums defray work-related injuries; however, previous impairments are covered from the Fund for catastrophes which does not affect employers accident experience ratings or premiums.	The difference between expenditures by the Industrial Commission and the Manager of the State Insurance Fund and their maximum budget allotment are placed in the Reserve Fund for catastrophes except for medical expense surpluses; maximum \$1 million.
Rhode Island	"Old Fund" claims with injuries prior to 9/1/74.		Payment by Pretrial Order; later reversed by Trial Decree. Qualifying COLA reimbursements.	Assessment payable by insurers (and group self-insurers) is 6.75% of net premiums written for workers' compensation without application of deductible premium credit; self-insurers pay 6.75% ¹⁸ of premium they would have paid to be insured; \$7500 in no-dependency death cases; also certain penalties.	
South Carolina	Second injury, which added to any previous permanent physical impairment results in substantially greater disability or death.	Disability caused by second injury for first 78 weeks compensation and medical care.	Employer reimbursed for all benefits after 78 weeks, plus 50% of medical payments over \$3,000 during first 78 weeks.	Pro rata assessments on carriers and self-insurers based on normalized premium. In no-dependency deaths, unpaid benefits to fund.	Employer must prove prior knowledge of impairment ¹⁸ for any accident after 6/25/03. Any claim against the Fund must be filed with the Fund prior to payment of 78 weeks of benefits.
South Dakota	Second Injury Fund eliminated.				
Tennessee	Second injury which added to pre-existing impairment/disability results in PT disability.	Disability caused by second injury.	Benefits in excess of 100% total disability to body as a whole.	50% of revenues from the 4% premium tax on insurers and self-insurers.	
Texas	Subsequent compensable injury combined with the effects of a previous injury entitles employee to lifetime income benefits.	Benefits which would accrue if only the subsequent and not previous injury occurred.	Balance of lifetime income benefits due.	Maximum \$150,424 ¹⁷ payable into fund in each no-dependency death case.	Workers' Compensation Commission had right of subrogation to recover claims and attorney's fees paid from Second Injury Funds.
Utah	Second injury which combined with a previous permanent incapacity due to accident, disease or congenital condition results in PT disability.	Employer pays first 6 years of PT unless a 10% pre-existing condition, then employer pays first \$20,000 of medical benefits and first 3 years of PT.	50% of medical expenses in excess of \$20,000 and PT disability compensation after initial 3-year period. Balance of lifetime benefits after initial 3 or 6 years. No new injuries after July 1, 1994.	Up to 9.25% tax on insurers and self-insurers.	If employee is permanently and totally disabled, employer or insurance carrier credited for all prior payments of TT, TP, and PP disability compensation.
Vermont	Second Injury Fund eliminated 7/1/99.				
Virgin Islands	No statutory provision. ²¹				
Virginia	Second injury involving 20% loss or loss of use of member or eye which added to pre-existing disability of 20% or more results in total or partial disability.	Disability caused by second injury.	Employer reimbursed for compensation has expired plus up to \$7,500 each for medical and vocational rehabilitation expenses.	1/4% premium tax on carriers and self-insurers.	Payments suspended at \$250,000 and resumed at \$125,000.

Chart XIII — Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Washington	Second injury or disease which added to pre-existing injury or disease results in PT disability or death.	Disability caused by second injury.	Difference between charge assessed against employer at time of second injury and total pension reserve.	Transfer of not more than cost from accident fund to second injury account. Self-insurers pay proportional to claims against self-insurers, including \$10,000 in no-beneficiary deaths.	Preferred Workers [®] have all benefits for claims arising within 3 years of new employment paid by Second Injury Fund. The Second Injury Fund also covers job modification costs resulting from on-the-job-injuries.
West Virginia	Second injury which in combination with physical impairment caused by prior injuries can result in Permanent Total disability. Second injury fund is closed for all awards made on or after 7/1/03.	Disability caused by second injury.	Remainder of the compensation that would be due for the PT disability.	Self-insured employers pay administrative costs and second injury fund insurance.	Self-insured employer must subscribe to the second injury fund.
Wisconsin	Second injury with permanent disability for 200 weeks or more with a pre-existing disability of an equal degree or greater.	Disability caused by second injury.	Disability caused by lesser of 2 injuries. If the combined disabilities result in PT disability, fund pays the difference between compensation payable for second injury and PT disability.	\$5,000 in death cases; \$7,000 for loss of hand, arm, foot, leg or eye. 100% of death benefit in no-dependency cases.	
Wyoming			No statutory provision.		
Longshore Act	Second injury resulting in PP disability which added to pre-existing injury results in PT disability or greater PP disability.	Disability caused by second injury for first 104 weeks.	Balance of compensation after 104 weeks.	\$5,000 in no-dependency death cases or unpaid awards. Pro rata assessments based on losses paid. Fines and penalties.	
Alberta	All enhanced disabilities due to the aggravation of pre-existing condition.	No.	Yes.	Accident Fund.	
British Columbia	All disabilities enhanced by reason of a pre-existing disease, condition or disability.	No.	Yes.	Accident Fund.	Where the pre-existing condition prolongs the recovery or enhances the disability, the employer may be entitled to relief of claims after 10 weeks of benefits. (RSCM 114.40B)
Manitoba	Pre-existing or underlying conditions; occupational diseases with exposure outside Manitoba; loss of earnings from an employment other than worker's employer; prolonged recovery as a result of a second accident; costs of preventive rehabilitation measures; costs associated with an injury while a worker is on a vocational rehabilitation placement; increase in benefits due to recurrence, age or apprenticeship; or other circumstances which the WCB determines would unfairly burden a particular class, sub-class, group, or subgroup.	No.	Yes.	Cost Apportionment Fund	
New Brunswick	Recurrence injuries; aggravation of pre-existing conditions which impact disability; industrial diseases with exposure outside New Brunswick.	No.	Yes.	Accident Fund	No cost relief available for self-insured employers (Government)

Chart XIII — Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Newfoundland	All injuries or recurrences that occur during Labour Market Reentry Program; injuries that are extended due to a pre-existing work-related injury with a different employer.	No	Yes, for that portion of the disability attributable to the second injury.	Second Injury Relief Account.	
Northwest Territories	All disabilities enhanced due to pre-existing disease, condition or disability.	No	Cost relief applied on a sliding scale on severity of injury and pre-existing condition.	Accident Fund.	
Nova Scotia			No Second Injury Fund.		
Nunavut	All disabilities enhanced due to pre-existing disease, condition or disability.	No	Cost relief applied on a sliding scale on severity of injury and pre-existing condition.	Accident Fund.	
Ontario	All disabilities caused or enhanced due to pre-existing disease, condition or disability.	No ¹⁹	Determined by WCB-apportionment usually 50% but may range from 25% — 100% of cost, subject to approval.	Accident Fund.	Not restricted to permanent disability cases.
Prince Edward Island			No specific policy provision.		
Quebec	Disabilities caused or enhanced due to pre-existing condition or disability.	No; charges spread among all employers if it is demonstrated that the worker was previously disabled.	No specific fund designated.	Accident Fund.	
Saskatchewan	1) Injury caused by underlying condition unrelated to worker's employment; 2a) Injury caused by prior work condition; 2b) Period of disability, or compensation or award, from work injury increased due to prior conditions (impairment)	No.	1) All claims costs; 2a) and b) Additional claims costs (incremental to prior claim)	Second Injury and Re-Employment Reserve; Disaster and Occupational Disease Reserve.	1) No responsibility assumed for worker's underlying conditions; 2a) and b) No responsibility assumed for prior conditions that are not work-related.
Yukon Territory	All enhanced disabilities because of similar or other disabilities.	No.	Yes.	Compensation Reserve Fund for enhanced disabilities. Assessment on employer's annual payroll.	
Canadian Merchant Seaman's Act			No statutory provision.		

Notes

1. Alabama — Second Injury Trust Fund repealed on 5/19/92. An amount is included in the annual workers' compensation budget which shall be allocated for the specific and exclusive purpose of paying only benefits to the claimants who have qualified to receive benefits from the Second Injury Trust Fund on 5/19/92.

2. California — Second injury must account for 35% unless prior disability involved a major member and second injury was to opposite and corresponding member and accounts for at least 5%. No benefits payable for subsequent unrelated noncompensable injury.

3. Colorado — Fund is closed to injuries occurring on or after 7/1/93 and for occupational diseases occurring on or after 4/1/94.

4. Illinois — Employer is liable in full if second injury is permanent and total without relation to prior injury.

5. Louisiana — PP disability means any permanent condition due to injury, disease or congenital causes which is likely to be a hindrance to employment. Certain scheduled conditions presumed to be PP disabilities if employer had prior knowledge.

6. Michigan — Compensation to certified vocationally handicapped persons payable from fund after 52 weeks.

7. Minnesota — For a registered condition if subsequent injury causes substantially greater disability or if injury, disability or death would not have occurred but for the preexisting impairment, the fund pays benefits. Second-Injury Fund reimbursement for second injuries has been abolished after 6/30/92.

8. Nebraska — Effective July 1, 2000, the SIF was merged with the Vocational Rehabilitation Fund and is now referred to as the Workers'

Compensation Court Trust Fund. In death cases it must be established that either the injury or the death would not have occurred except for such pre-existing permanent physical impairment. "Permanent physical impairment" means any permanent condition due to previous accident, disease, or congenital condition, which is likely to be a hindrance to employment.

9. Nevada — Nevada currently has three subsequent injury accounts: self-insured employers whose board has a two-tier hearing process subject to a petition for judicial review by the district court; associations of self-insured employers in public or private employment have a board that hears the matter subject to a petition for judicial review by the district court; and private carriers with an administrative hearing before an administrative law judge, which is subject to a petition for judicial review by the district court. The state insurance company privatized as of 1/1/00; its successor organization administers any of its SIF claims that were incurred prior to 1/1/00.

10. North Carolina — Epilepsy is considered a prior permanent disability.

12. Ohio — Does not apply to compensation for TP or percentage of PP disability.

13. Oklahoma — A "physically impaired person" means one "who as a result of accident, disease, birth, military action, or any other cause, has suffered the loss of sight of one eye, the loss by amputation of the whole or a part of a member of his body, or the loss of the use or partial loss of the use of a member such as is obvious and apparent from observation or examination by an ordinary layman, that is, a person who is not skilled in the medical profession, or any pre-existing disability adjudged and determined

by the Workers' Compensation Court or any disability resulting from separately adjudicated injuries and adjudicated occupational diseases even though arising at the same time.

14. Pennsylvania — Benefits under the Subsequent Injury provision are only payable with respect to subsequent loss, or loss of use of, 1 hand, 1 arm, 1 foot, 1 leg or 1 eye.

15. Rhode Island — The percentage of assessment is determined by the Director on or before each 7/15.

16. South Carolina — Permanent physical impairment means any permanent condition due to injury, disease or congenital causes which is likely to be a hindrance to employment. Certain scheduled conditions are presumed to be permanent physical impairments if employer had prior knowledge.

17. Texas — 364 times maximum weekly benefit.

18. Washington — Preferred Workers defined as workers who must change jobs due to effect of an industrial injury or illness. Basic premiums are waived for first 3 years on new job.

19. Ontario — Only applies to Schedule 1 employers; Schedule 2 employers are not eligible for Second Injury Fund relief.

20. Figures could not be confirmed at the time of publication; information taken from the 2003 *Analysis*.

21. Nebraska — Effective July 1, 2000, the Second Injury Fund was merged with the Vocational Rehabilitation Fund and is now referred to as the Workers' Compensation Court Trust Fund.

23. Oklahoma — The SIF has been renamed "Multiple Injury Trust Fund."

24. Virgin Islands — Employer liable for compensation due for total resulting disability.

Chart XIV — Administration Expenses: Workers' Compensation Departments

Jurisdiction	System Provided For	Fund or Appropriation	Assessment Provisions		Other Income
			Against Whom	Amount	
Alabama	Private insurance, Self-insurance	Administrative Fund	Insurance carriers, self-insured employers, and group self-insurance funds.	\$250 plus amount based on proportion that the total gross claims for compensation and medical payments paid by the carrier, self-insured employer, or group fund during preceding calendar year bore to the total gross claims for compensation and medical payments paid by all carriers, self-insured employers and group funds during that period.	
Alaska	Private insurance or approved self-insurance	General appropriations/ SIF from assessment			
Arizona	Competitive fund	Administrative Fund	Carriers, self-insurers, and state fund.	Not to exceed 3% of premiums.	
Arkansas	Private insurance	Special Fund	Carriers and self-insurers.	3% of manual premiums maximum. ¹	\$500 first year for carriers, \$100 first year for self-insurance.
California ²	Competitive fund	Appropriation and assessment ³	Insurers and self-insured employers.		
Colorado	Competitive fund/ Private insurance/ Approved self-insurance	Special funds, Major Medical and SIF; WVC Cash fund; and Premium Cost Containment fund	Carriers and self-insurers.	3.818% premium surcharge/ For carriers/3.788% for self-insured.	Fines and penalties.
Connecticut	Private insurance	Special funds	Carriers and self-insurers.	Pro rata assessment necessary to cover expenses.	
Delaware	Private insurance	General appropriation	Carriers.	Prorated.	
District of Columbia	Private insurance ⁴	Administrative fund ⁴	Carriers and self-insurers.	Prorated on basis of total compensation and medical payments.	Fines and penalties, and \$5,000 in no-dependency death cases.
Florida	Private insurance	Administration fund	Carriers, self-insurers, self-insurance funds, and Assessable Mutual Companies.	1.5% of net collected premiums.	Penalties, fees, investment income and fines.
Georgia	Private insurance/ Self insurance	Assessment against insurance carriers and self-insured companies precedes general appropriation.	Carriers and self-insurers.	Prorated.	
Guam ¹⁵	Private insurance	General appropriation			
Hawaii	Private insurance	General appropriation			
Idaho	Competitive fund	Industrial Administration Fund	Carriers, self-insurers, and state fund.		Fines, penalties, fees for copies and publications.
Illinois	Private insurance/ approved self-insurance	General appropriation		2.5% of premiums.	
Indiana	Private insurance/ approved self-insurance	General appropriation			
Iowa	Private insurance	General appropriation			
Kansas	Private insurance, Self insurance, Group pools	Special fund			
Kentucky	Private insurance/ self-insurance	Maintenance fund	Carriers and self-insurers.	11.5% on all policies on premiums for policies issued to employers, both coal and non-coal, CWP Fund on companies severing coal — 0.5% of premium plus .25 cents per ton on coal severed.	\$19 million severance tax from Revenue Cabinet currently suspended with date of reinstatement unknown.

Chart XIV — Administration Expenses: Workers' Compensation Departments, Cont.

Jurisdiction	System Provided For	Fund or Appropriation	Assessment Provisions		Other Income
			Against Whom	Amount	
Louisiana	Private insurance/ approved self-insurance	Assessment against insurance carriers and self-insureds	Carriers and self-insured.	Percentage fixed annually.	Fines, penalties, fees for copies and publications.
Maine	Private insurance	Workers' Compensation Board Administrative Fund	Carriers and self-insured. ⁷	Percentage fixed annually.	Penalties against insurers for failure to pay compensation in timely manner.
Maryland	Competitive fund	General appropriation	Carriers, self-insurers, and state fund.	Prorated.	Commission may assess up to \$500 annually against self-insurers and self-insured groups for actuarial studies and audits.
Massachusetts	Private insurance Self-insurance	Special fund	Employers.	Prorated assessment necessary to cover expenses.	Referral fees, fines, and penalties.
Michigan	Private/self-insurance	General appropriation			\$200 fee on redemption settlements
Minnesota ¹⁵	Competitive fund, private insurance, approved self-insurance, including group.	Special compensation fund	Carriers and self-insurers.	30% of indemnity paid.	30% compensation for current indemnity payments, which finances all.
Mississippi	Private insurance	Special fund	Carriers and self-insurers.	Assessment of \$250 against each carrier and self-insurer, then remaining expenses prorated.	Civil penalties.
Missouri	Private insurance Self-insurance	Administrative fund	Carriers and self-insurers.	Up to 2% premiums and up to 2% surcharge on deductible portion of policies.	Fees for records, etc.
Montana	Private insurance Approved self-insurance	Workers' Compensation Administration Fund; assessments, appropriations, and fees	Employers and self-insurers.	Surcharge on premium based on 3% of indemnity and medical benefits paid in the prior calendar year.	Graduated inspection fee, fees for records, etc. and fines.
Nebraska	Private insurance	Special Fund, Self-Insurance Fund, Trust Fund	Carriers and self-insurers.	1% of written premiums for carriers; 11/4% of prospective-loss costs for self-insurers. Special assessment, as required. ⁹	Fees for copies and publications, etc.
Nevada	Self insured employers; group self-insured, private insurance	State Insurance Fund	Carriers and self-insured.	Assess as needed.	Administrative fines, premium penalties, collections on behalf of the uninsured employers claim account, interest.
New Hampshire	Private insurance	Administration Fund-appropriation	Carriers and self-insurers.	Prorated on basis of total compensation paid, \$100 minimum. ¹⁰	Civil penalties.
New Jersey	Private insurance/ approved self-insurance	Assessment against insurance carriers and self-insureds	Carriers and self-insured.	Percentage fixed annually.	
New Mexico	Private insurance	Special fund	Employers and employees.	\$2.00 collected quarterly and assessed against all employers and employees covered under the Workers' Compensation Act.	Civil penalty of up to \$5,000 for finding of retaliation by employer against employee filing claim.
New York	Competitive Fund	Assessment	Carriers, self-insurers and state fund.	Total amount prorated on basis of compensation payments.	Fines and penalties.
North Carolina	Private insurance	General appropriation	Carriers and self-insurers.	On gross premiums at rate in revenue act. ¹¹	
North Dakota	Exclusive state fund	Appropriation from Workforce Safety and Insurance	Employers.	Budget submitted biennially to legislature.	Building rental income, investments, fees, penalties, third-party recoveries, and 250.00 assessment.
Ohio	Exclusive fund and self-insurance	State fund	All employers, including self-insurers, counties and taxing district, and state instrumentalities.	18.02%, 19.07%, and 14.47% of premium for the respective employers, private State Fund employers, state agencies, and public employer taxing district. ¹²	

Chart XIV — Administration Expenses: Workers' Compensation Departments, Cont.

Jurisdiction	System Provided For	Fund or Appropriation	Assessment Provisions		Other Income
			Against Whom	Amount	
Oklahoma	Competitive fund, private insurance, and self-insurance	Administrative fund and general appropriations	Carriers and self-insurers.	1% premium tax, and 2% tax on self-insurers based on compensation paid for permanent disability or death.	Fees, fines, and penalties.
Oregon	Competitive fund, Private Insurance and self-insurance	Administrative fund	Carriers, self-insured, and self-insured groups.	8% of earned premium. Additional 7% for self-insured groups.	Fines, penalties and interest.
Pennsylvania	Competitive Fund	Administration Fund	Employer (through carrier).	Prorated among insurers by premiums earned. Self-insurers assessed based upon compensation paid.	
Puerto Rico ¹⁵	Exclusive fund	State fund and appropriations	Employer.	Maximum 22% of total premium receipts.	Income from investments.
Rhode Island	Private insurance	Workers' Compensation Administrative Fund	Carriers, self-insurers, group self-insurers, the State and municipalities.	Carriers/group self-insurers-6.75% of net premiums written; self-insurers-6.75% of premium they would have paid to be insured. ¹⁶	Fines and fees.
South Carolina	Private insurance	General appropriation	Carriers and self-insurers.	2 1/2% of premiums.	Fines and fees.
South Dakota	Private insurance	General appropriation	Carriers.	\$14 per policy.	
Tennessee	Private insurance	General appropriation; court administration	Carriers and self-insurers.	4% of premiums.	
Texas	Private insurance and self-insurance	General appropriation	Carriers and self-insurers.	1.125% of gross workers' compensation premiums paid to General Revenue Fund for administration of Commission.	Fees for records, checks, copies, publications, audits, and safety inspections.
Utah	Competitive fund, Private insurance, Self insurance	General appropriation			
Vermont	Private insurance	Special fund	Employers and self-insurers.	Employers—0.85% of W.C. premiums; self-insurers — 1% of W.C. losses, during the preceding calendar year.	
Virgin Islands	Exclusive fund	Government Insurance Fund	Employers.	Premium percentage fixed annually.	Fines, penalties, interest, and investments.
Virginia	Private insurance	Special fund	Carriers and self-insurers.	Maximum of 2.50% of premiums.	
Washington	Exclusive fund and self-insurance	State fund	Employers and self-insurers.	Determined by Director.	Investment income, penalties, and third party actions.
West Virginia	Exclusive state fund and self-insured employers	State fund	All regular subscribers and self-insured.	Self-insured pay 12.6% of manual rates; remainder allocated to funding from premium taxes paid by regular subscribers.	
Wisconsin	Private insurance	General fund (based on assessment)	Carriers and self-insurers.	Pro rata on all indemnity paid on cases first closed in prior year.	
Wyoming	Exclusive fund and Private Insurance ¹⁴	Workers' Compensation Fund	Employers.	Expended budget.	Interest from investments, penalties, interest and third party lawsuits.
FECA	Exclusive fund	Appropriation authorized from U.S. Treasury	Employing agencies.	Cost of compensation and medical expenses.	
Longshore Act	Private insurance	Appropriation authorized from US Treasury			
Alberta	Exclusive fund	Accident Fund	All employers under the act.	Determined by Board.	Investment income, interest and penalties.
British Columbia	Exclusive fund	Accident Fund	All employers.	Determined by Board based on injury rate experience in industry class.	Investment income.

Chart XIV — Administration Expenses: Workers' Compensation Departments, Cont.

Jurisdiction	System Provided For	Fund or Appropriation	Assessment Provisions		Other Income
			Against Whom	Amount	
Manitoba	Exclusive fund	Accident Fund	All employers.	Determined by Board.	Such sum out of consolidated fund as Lt. Gov.-in-Council may direct, investment income, interest, and penalties.
New Brunswick	Exclusive fund	Accident Fund	All assessed employers.	Included in the industry rates set by the Commission; self-insured pay costs plus administrative fee.	Interest, penalties, investment income, service fees.
Newfoundland	Exclusive fund	Injury Fund	All enumerated employers.	Determined by Commission.	Interest and penalties.
Northwest Territories	Exclusive fund	Accident Fund	All employers.	Determined by Board.	Investment income, interest and penalties.
Nova Scotia	Exclusive fund	Accident Fund	All enumerated employers; administrative costs for self-insured employers.	Determined by Board.	Investment income and penalties.
Nunavut	Exclusive fund	Accident Fund	All employers.	Determined by Board.	Investment income, interest and penalties.
Ontario	Exclusive fund for Schedule I employers; individual liability for Schedule II employers	Insurance Fund for Schedule I employers. Deposit or collateral with Board for Schedule II employers	All employers in Schedule I; administrative costs only for Schedule II employers.	Determined by Board.	Investment income and penalties.
Prince Edward Island	Exclusive fund for Part I; individual liability, Part II. No limitation	Accident Fund	All enumerated employers.	Determined by Board.	Investment income and penalties.
Québec	Exclusive fund; individual liability for employers held personally responsible for the payment of benefits	Accident Fund and deposit with Commission for employers held personally responsible	All employers.	Determined by Commission.	Investment income, interest and penalties.
Saskatchewan	Exclusive fund	Injury Fund	All employers.	Determined by Board.	Investment income, interest, and penalties.
Yukon Territory	Exclusive fund	Accident Fund	All employers.	Determined by Board.	Investment income and penalties.
Canadian Merchant Seaman's Act	Private insurance	Cost of administration apportioned among employers	All employers of merchant seamen.		

Notes

1. Arkansas — May be increased or reduced by Commission up to 3% maximum.

2. California — The Workers' Compensation Administration Revolving Fund pays for administrative expenses and is funded by employers and insurers.

3. California — Assessments are of four parts: The User Fund Assessment Factor is 0.002996 for insured employers, 0.012656 for self-insured employers. (Note: This is the assessment factor for 100% funding of the administration of the Division of Workers' Compensation as envisioned by AB 227. Due to a clerical mistake, employer funding of DWC's operation was chaptered in law using the old formula of 20% employer/80% general funding. The factors indicated above contemplate employers paying 100% of DWC's administrative costs. The Uninsured Employer Benefits Trust Fund Assessment Factor is 0.001115 for insured employers and 0.004923 for self-insured employers. The Subsequent Injuries Benefits Trust Fund Assessment Factor is 0.000192 for insured

employers and 0.001121 for self-insured employers. The Fraud Surcharge Factor is 0.000685 for insured employers and 0.004712 for self-insured employers.

4. District of Columbia — Exclusive fund for D.C. government workers, financed from D.C. and/or federal appropriation.

6. Kansas — System of assessments up to a maximum of 3% of paid losses against private insurance, self-insured employers and approved group funded pools.

7. Maine — Assessment against every insurance company or association authorized to write workers' compensation insurance. Assessments may not produce more than \$8,565,000 beginning in the 2004-2005 fiscal year and \$8,525,000 beginning in the 2005-2006 fiscal year. Assessment on carriers is passed through to employers.

8. Michigan — Annual assessment of 1/4% of compensation levied on insurers and self-insurers of compensation paid to be used for the safety education and training fund.

9. Nebraska — Not especially for workers' compensation administration.

10. New Hampshire — Total assessment may not exceed amount appropriated for the budget of Workers' Compensation Division.

11. North Carolina — Stock and mutual carriers pay 22% of net written premiums for the period covered by the return. All self-insurers also pay 22%.

12. Ohio — Effective 7/1/90, self-insured employers assessed on a prorated portion of paid compensation in self-insured claim.

13. Rhode Island — The percentage of assessment is determined by the Director on or before each July 15.

14. Wyoming — Private insurers allowed to write coverage for industries and occupations not considered extra hazardous, however, only state fund allowed to provide immunity to lawsuit by injured workers.

15. Figures could not be confirmed at the time of publication; information taken from the 2003 Analysis.

Chart XV — Appeal Provisions

Jurisdiction	Administration	Time for Appeal	To What Court	Process and Procedure	Questions Reviewed		Basis for Review	Jury Trial
					Law Only	Law and Fact		
Alabama	Courts*	42 days	Alabama Court of Civil Appeal/Supreme Court	Certiorari		Yes	Record	
Alaska	Workers' Compensation Board	30 days	Superior Court/Supreme Court	Notice of Appeal		Yes	Record	No
Arizona	Industrial Commission	30 days	Court of Appeals/Supreme Court	Certiorari		Yes	Record	No
Arkansas	Workers' Compensation Commission	30 days	Court of Appeals	As in civil actions, with precedence over all other civil cases	Yes		Record	No
		No Pro-vision	Supreme Court	As in civil actions	Yes			No
California	Workers' Compensation Appeals Board	45 days	Supreme Court or District Court of Appeals	Writ of Review	Yes		Record	No
Colorado	Industrial Claims Appeals Office	20 days	Court of Appeals	Court of Appeals' review any decision of the Industrial Claims Appeals Office		Yes	Record	No
		15 days	Supreme Court	Writ of certiorari; courts will not alter factual findings which are supported by substantial evidence		Yes	Record	No
Connecticut	Chairman	20 days	Compensation Review Board	Notice of Appeal ^a		Yes		No
		20 days	Appellate Court, Supreme Court	Notice of Appeal ^a	Yes	Yes	Record	No
Delaware	Office of Workers' Compensation	30 days	Superior Court	As prescribed by the court		Yes	Record	No
District of Columbia	Department of Employment Services		Office of Hearings and Adjudication	Application		Yes	Hearing de novo	No
		30 days	Director's Review	Application	Yes		Record	No
District of Columbia Government Workers	Office of Benefits Administration	30 days	Hearings and Adjudication	Petition	Yes		Record	No
		30 days	Employees' Compensation Appeals Board	Application	Yes	Yes	Hearing de novo	No
Florida	Division of Administrative Hearings	30 days	D.C. Superior Court	Application		Yes	Trial de novo	No
		30 days	District Court of Appeal, First District	Notice of Appeal		Yes	Record	No
Georgia	State Board of Workers' Compensation	20 days	Superior Court Court of Appeals	Notice of Appeal Discretionary authority	Yes		Record	No
Guam ³⁰	Workers' Compensation Commission	30 days	Superior Court	Injunction Proceedings	Yes		Record	No
Hawaii	Disability Compensation Division	20 days	Appellate Board	Notice of Appeal ^a	Yes	Yes	Trial de novo	No
		30 days	Supreme Court				Record	
Idaho	Industrial Commissioner	42 days	Supreme Court	Notice of Appeal	Yes		Record and transcript of evidence	No
Illinois	Industrial Commission	20 days	Circuit Court	Proceeding for review		Yes	Record; no additional evidence	No
		30 days	Appellate Court Supreme Court ⁷	As prescribed by court		Yes		
Indiana	Workers' Compensation Board	30 days	Court of Appeals	As in civil action ^a	Yes		Assignment of errors	No
Iowa	Workers' Compensation Commissioner	30 days	District Court	Petition for judicial review	Yes		Certified transcript of documents and evidence	No
		20 days	Supreme Court	As in civil cases	Yes			
Kansas	Workers' Compensation Board	10 days	Court of Appeals	Notice of Appeal		Yes	Transcript of evidence and proceedings	No

Chart XV — Appeal Provisions, Cont.

Jurisdiction	Administration	Time for Appeal	To What Court	Process and Procedure	Questions Reviewed			Jury Trial
					Law Only	Law and Fact	Basis for Review	
Kentucky	Department of Workers' Claims	30 days	Workers' Compensation Board Court of Appeals Supreme Court	Notice of Appeal Petition for Appeal as in civil actions	Yes		Certified Record	No
Louisiana ⁸	Office of Workers' Compensation	60 days ⁹	Appellate Court	Petition		Yes	Transcript of proceedings	No
		30 days	Appellate Court	As in civil actions		Yes	Transcript of proceedings	No
			Supreme Court	As in civil cases		Yes	Certified Records	No
Maine	Workers' Compensation Board	20 days	Law Court	Certiorari ¹¹	Yes		Record	No
Maryland	Workers' Compensation Commission	30 days	Circuit Court	As in civil cases		Yes	Trial de novo ¹²	Yes, on demand
Massachusetts	Department of Industrial Accidents	30 days	Appeals Court	As in civil cases	Yes	Agreed statement of facts and findings and decision	Certified record	No
		No Provision	Supreme Judicial Court	As in civil cases	Yes			
Michigan	Workers' Compensation Appellate Commission	30 days	Court of Appeals	Certiorari, mandamus, or other permissible method	Yes			No
		30 days	Supreme Court					
Minnesota ¹⁰	Office of Administrative Hearings ¹³	30 days	Workers' Compensation Court of Appeals Supreme Court	Notice of Appeal Certiorari		Yes	Certified record; oral arguments on issues of law	No
Mississippi	Workers' Compensation Commission	30 days	Circuit Court	Notice of Appeal		Yes	Record Record	No
			Court of Appeals Supreme Court	As in civil cases		Yes		
Missouri	Division of Workers' Compensation ¹⁴	20 days	Labor and Industrial Relations Commission			Yes	Certified record	No
		30 days	Appellate Court		Yes			
Montana	Department of Labor and Industry	2 years	Workers' Compensation Court	Notice of Appeal		Yes	Certified record	No
Nebraska	Workers' Compensation Court ¹⁶	20 days ¹⁵	Montana Supreme Court					
		14 days	W.C.C. Review Panel	Notice of appeal and bill of exceptions	Yes		Certified record	No
Nevada	Department of Administration Hearings Division	30 days	Court of Appeal & Supreme Court	Notice of appeal and bill of exceptions (general laws)				
		70 days	Department of Administration Hearing Officer	Appeal insurer determination to hearing officer	Conclusions of law reviewed de novo	Findings of fact are sustained if not arbitrary and capricious	Record on appeal	No
		30 days	ALJ — Department of Administration Appeals Officer	Aggrieved party appeals HO decision to appeals officer				
		30 days	District Court	Aggrieved party may file petition for judicial review to District Court				
New Hampshire	Department of Labor	30 days	Compensation Appeals Board, Supreme Court	Notice of Appeal		Yes	Trial de novo	No
New Jersey	Division of Workers' Compensation	45 days	Appellate Division of Superior Court	Notice of Appeal		Yes	Record	No
New Mexico	Court of Appeals	30 days	Court of Appeals	As in civil actions		Yes	Certified record	No
New York	Workers' Compensation Board	30 days after decision is filed/ served.	Board panel of 3 commissioners. Appellate Division, Third Department. Court of Appeals.	Review application (Panel of commissioners) Notice of Appeal (Appellate) Notice of Appeal or motion for permission to appeal (Court of Appeals)	Appellate Court of Appeals	Panel of Commissioners	Record	No
			Court of Appeals ¹⁷		Yes			

Chart XV — Appeal Provisions, Cont.

Jurisdiction	Administration	Time for Appeal	To What Court	Process and Procedure	Questions Reviewed		Basis for Review	Jury Trial
					Law Only	Law and Fact		
North Carolina	Industrial Commission	30 days	Court of Appeals	As in civil actions ¹⁸	Yes		Record	No
North Dakota	Workforce Safety and Insurance	30 days 60 days	District Court Supreme Court	Appeal Appeal		Yes Yes	Record Record	No
Ohio	Industrial Commission	60 days	Court of Common Pleas	Notice of appeal and petition by claimant or employer		Yes	Trial de novo	Yes, on demand
		No provision	Supreme Court					
Oklahoma	Workers' Compensation Court	20 days ¹⁹	Supreme Court ¹⁹	Petition		Yes	Certified record and specifications of error	No
Oregon	Workers' Compensation Board (WCB) ²⁰	30 days	WCB	Notice of Appeal		Yes	Record	No
		30 days	Court of Appeals	Notice of Appeal		Yes	Record	No
		35 days	Supreme Court	Petition for review		Yes	Record	No
		60 days	Court of Appeals	Appeal		Yes	Record	No
Pennsylvania	Bureau of Workers' Compensation ²¹	35 days	Supreme Court	Petition for review	Yes		Record	No
		20 days	Workers' Compensation Appeal Board Commonwealth Court	Appeal Petition for review Petition for allowance of appeal	Yes		Certified record	No
Puerto Rico ²⁰	Industrial Commission	30 days	Supreme Court		Yes			
		20 days	Workers' Compensation Industrial Commission ²²	Appeal	Yes	Yes	Record	No
		20 days	Industrial Commission	Reconsideration	Yes		Record	No
		30 days	Circuit Court of Appeals	Petition for review	Yes	23	Certified record	No
Rhode Island	Workers' Compensation Court	30 days	Supreme Court of Puerto Rico	Certiorari	Yes		Certified record	No
		5 days	Workers' Compensation Court					
		20 days	Appellate Division of Workers' Compensation Court	Claim of Appeal	Yes	Yes	Certified documents and testimony	No
South Carolina	Workers' Compensation Commission—Judicial Division	30 days ²⁴	Supreme Court	Writ of certiorari	Yes		Record	No
South Dakota	Division of Labor and Management	30 days ²⁵	Court of Common Pleas	As in civil actions	Yes		Record	No
		60 days	Circuit Court	Notice of Appeals		Yes	Certified record	No
Tennessee	Courts	10 days	Supreme Court	As in civil actions		Yes	Trial de novo	No
		No	Workers' Compensation Appeals Panel	Writ of error			Certified Record	
Texas	Workers' Compensation Commission	40 days	Provision Supreme Court					
			Court of county where employee resided at time of injury or death and court of county where employee resided on the date disability began or any county agreed to by the parties for an occupational disease	Appeal decision		Yes	Limited to issues decided by the Commission appeals panel on which judicial review is sought	Yes
Utah	Labor Commissioner or Appeals Board	30 days	Court of Appeals	Petition for review		Yes	Certified record	No
Vermont	Workers' Compensation Commissioner	30 days	Superior Court ²⁶	As prescribed by Court	Yes	Yes	Certified record	No
		After 30 days	Supreme Court	As prescribed by Court				
Virgin Islands	Dispute Resolution Unit	30 days	Hearing Office	Mediation		Yes	Record	No
		30 days	Administrative Law Judge	Formal		Yes		
		30 days	Department of Labor	Reconsideration	Yes			
		30 days	Court	Civil Actions	Yes			
Virginia	Workers' Compensation Commission	30 days	Court of Appeals	As in equity		Yes	Certified record	No
Washington	Board of Industrial Insurance Appeals	60 days	Court of Appeals	Notice of Appeal		Yes	Trial de novo, but on testimony before the Board	Yes, on demand
		30 days	Board of Industrial Insurance Appeals	As in civil actions				
			Further Appeal, Superior Court					

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Chart XV — Appeal Provisions, Cont.

Jurisdiction	Administration	Time for Appeal	To What Court	Process and Procedure	Questions Reviewed			Jury Trial
					Law Only	Law and Fact	Basis for Review	
West Virginia	Workers' Compensation Division	30 days ²⁷	Protest are filed with the Office of Judges. Judge's decisions may be appealed to the Workers' Compensation Appeal Board. Appeal Board decisions may be appealed to the WV Supreme Court of Appeals.	Petition		Yes	Record of proceedings	No
Wisconsin	Labor and Industry Review Commission	21 days	Circuit Court, Appellate Court Supreme Court	Action against Commission As from orders	Yes		Record	No
Wyoming	Hearing Examiners or Medical Commission	30 days	District Court Supreme Court	Petition and bill of exceptions		Yes	Record	No
FECA ²⁸	Division of Federal Employees' Compensation, O.W.C.P.	1 year 30 days 90 days to 1 year 30 days	Reconsideration Hearing ²⁸ Appeals Board	In writing In writing In writing		Yes	Record	No
Longshore Act	Division of Longshore and Harbor Workers' Compensation, O.W.C.P.	60 days	Benefits Review Board ²⁹ U.S Court of Appeals	Petition Petition		Yes	Record Record	No
Alberta	Workers' Compensation Board	One year	Decision Review Bodies	Request for Review		Yes	Record and written or oral testimony	No
			Appeals Commission	Notice of appeal in writing		Yes	Record and written or oral testimony	No
British Columbia	Workers' Compensation Board	90 days	WCB BC Review Division (internal)	Appeal		Yes, de novo	Record and written or oral testimony	No
	Workers' Compensation Appeal Tribunal (WCAT)	30 days	WCAT (external)	Appeal or referral		Yes, de novo	Record and written or oral testimony	No
Manitoba	Workers' Compensation Board	No Limit	Review Office or Assessment Committee Appeal Commission	Reconsideration by written request Appeal by written request		Yes	Record and written or oral testimony	No
New Brunswick	Workplace Health, Safety and Compensation Commission; Registrar of the Court of Appeal of New Brunswick	One year	WHSCC Appeals Tribunal	Appeal By-laws ³			Claim file, written and/or oral testimony	No
		30 days	Court of Appeal	Rules of Court	Yes ³		Appeal Record	
Newfoundland	Workplace Health, Safety and Compensation Commission	30 days	Workplace Health, Safety and Compensation Review Division	Written request		Yes	Record and oral testimony	No
Northwest Territories	Workers' Compensation Board	No Limit	Review Committee, Appeals Tribunal	Appeal in writing		Yes	Record and written or oral testimony	No
Nova Scotia	Workers' Compensation Board	30 days	Hearing Officer	Deliver, mail, or fax form		Yes	Oral or Paper	No
	Workers' Compensation Appeals Tribunal	30 days	Appeals Tribunal	Deliver, mail, or fax form		Yes	Oral or Paper	No
	NS Court of Appeals	30 days	Court of Appeals	Leave to Appeal		Yes	Jurisdiction	No
Nunavut	Workers' Compensation Board	No Limit	Review Committee, Appeals Tribunal	Appeal in Writing		Yes	Record and written or oral testimony	No
Ontario	Workplace Safety and Insurance Board	6 months	Independent Appeal Tribunal	Request to Appeals Tribunal	Yes ³	Yes	De novo	No
Prince Edward Island	Workers' Compensation Board		Independent Appeal Tribunal	Request to Appeals Tribunal	³	Yes	Record	No

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Chart XV — Appeal Provisions, Cont.

Jurisdiction	Administration	Time for Appeal	To What Court	Process and Procedure	Questions Reviewed		Basis for Review	Jury Trial
					Law Only	Law and Fact		
Quebec	Ministère du Travail	30 days	The Bureau d'évaluation médicale	Notice (Medical facts only)	Yes	Yes	Medical file and examination	No
	CSST	30 days	Review	Appeal		Yes	File only	No
	Ministère du Travail	45 days	Commission des lésions professionnelles	Appeal, recourse joint board			Conciliation offered	No
Saskatchewan	Workers' Compensation Board	No Limit	Board	In writing		Yes	Record and written or oral testimony	No
Yukon Territory	Workers' Compensation Health and Safety Board	No Limit	Hearing Officer Independent Appeal Tribunal	Appeal in writing		Yes	Record, written and oral testimony	No
Canadian Merchant Seaman's Act	Merchant Seamen Compensation Board	No Limit	Board	Appeal in writing	Yes		Record and written or oral testimony	No

Notes

1. Courts may set aside an award on one of the following grounds: 1-the Commission acted in excess of its powers; 2-the award was procured by fraud; 3-the facts found by the Commission did not support the award; 4-there was not sufficient competent evidence in the record to warrant the finding.

2. Board may request opinion on question of law or jurisdiction of its own motion.

3. Court has power to pass only upon question of law or jurisdiction.

4. Alabama — Ombudsman program, effective for injuries after 1/1/93, to mediate disputes. Settlements reached under this process do not require court approval but may be taken to court for final judgment.

5. Connecticut — Board may certify question of law on its own motion.

6. Hawaii — Appellate Board may certify questions of law to Supreme Court.

7. Illinois — Supreme Court jurisdiction discretionary.

8. Indiana — Board may also certify questions of law on its own motion.

9. Louisiana — If any compensation under a final, non-appealable judgment is not paid within 30 days, a 24% penalty, or \$100 per day, whichever is greater, will be added to the compensation.

10. Louisiana — 60 days for devolutive appeal, 30 days for suspensive appeal.

11. Maine — Appeal to court may be stayed by hearing officer obtaining review of decision by Board. Appeals to law court then taken from decision issued by Board.

12. Maryland — Following an appeal in the Circuit Court, further appeals on questions of law only are allowed to the Court of Appeals in the State.

13. Minnesota — Disputed WCD conference determination is heard de novo at OAH.

14. Missouri — ALJ's award may be appealed to Industrial Commission.

15. Montana — Varies depending upon reason for appeal.

16. Nebraska — The Court is constituted the same as the boards and commissions in other states.

17. New York — Workers' Compensation Law Judge decisions can be appealed to a 3-member Board panel within 30 days. Split panel decisions appealed to the full Board within 30 days. All panel decisions can be appealed to the Appellate Division, Third Department of the Supreme Court within 30 days. Appellate Division decisions can be reviewed as of right in the Court of Appeals if there is a dissent by two judges. Otherwise, appeals to the Court of Appeals are by permission only. 30 day limit applies.

18. North Carolina — Commission may certify questions of law to Court of Appeals. Commission may order payment of portion of award not in dispute.

19. Oklahoma — Appeal to Workers' Compensation Court en banc within 10 days may be filed in lieu of appeal to the Supreme Court. En banc order may be appealed to Supreme Court within 20 days.

20. Oregon — Oregon has two forums which hear contested cases: the Workers' Compensation Board's Hearings Division hears a variety of cases including, but not limited to, compensability, responsibility, compensation (extent of disability), safety/health, and other issues; The Office of Administrative Hearings hears cases on behalf of the Workers' Compensation Division regarding a variety of matters, including, but not limited to, medical treatment

and fees, palliative care, managed care organizations (MCOs), and vocational assistance.

21. Pennsylvania — Decisions of Workers' Compensation Judges are subject to appeal to the Workers' Compensation Appeal Board.

22. Puerto Rico — Also can petition Industrial Commission to reconsider its decision, within 20 days.

23. Puerto Rico — On weight of expert testimony.

24. South Carolina — Notice of appeal must state the grounds for appeal or the alleged errors of law.

25. South Dakota — Commission may order payment of portion of award not in dispute.

26. Vermont — Then to Supreme Court on exception.

27. West Virginia — May be extended for cause.

28. FECA — There is no court appeal; Board has authority to make final decision on appeals.

29. Longshore Act — First level of appeal is to Benefits Review Board within the U.S. Department of Labor. Board may sit in 3-person panels. Panel decision may be reviewed, upon petition, by full Board.

30. Figures could not be confirmed at the time of publication; information taken from the 2003 Analysis.

31. Employee may request only one appeal method at a time. A hearing may be requested before consideration. If reconsideration is requested first, the employee loses the right to a hearing.

Chart XVI — Directory of Administrators

Alabama

Workers' Compensation Division
Department of Industrial Relations
Industrial Relations Building
649 Monroe Street
Montgomery, Alabama 36131
(334) 242-2868
www.dir.state.al.us/wc/
Scottie Spates, Administrator

Alaska

Division of Workers' Compensation
Department of Labor & Workforce Development
P.O. Box 25512
Juneau, Alaska 99802-5512
(907) 465-2790
www.state.ak.us/local/akpages/LABOR/
Paul Lisankie, Director
www.labor.state.ak.us
Workers' Compensation Board
(Same address as Division)

Arizona

Industrial Commission of Arizona
800 West Washington Street
Phoenix, Arizona 85007-2922
(602) 542-4411
Jean Pierre Angelchik, M.D., Chairman

Arkansas

Workers' Compensation Commission
324 Spring Street
P.O. Box 950
Little Rock, Arkansas 72203-0950
(501) 682-3930
www.awcc.state.ar.us
Olan W. Reeves, Chairman

California

Department of Industrial Relations
Division of Workers' Compensation
455 Golden Gate Avenue, 9th Floor
P.O. Box 420603
San Francisco, California 94142-0603
(415) 703-4600
www.dir.ca.gov/dwc
Richard Gannon, Administrative Director
Workers' Compensation Appeals Board
455 Golden Gate Avenue, 9th Floor
P.O. Box 429459
San Francisco, California 94102
(415) 703-4580
Merle Rabine, Chairman

Colorado

Division of Workers' Compensation
1515 Arapahoe Street
Tower 2, Suite 500
Denver, Colorado 80202
(303) 318-8700
Mary Ann Whiteside, Director
Industrial Claims Appeals Office
1515 Arapahoe Street
Denver, Colorado 80202
(303) 318-8131
David Cain, Member
Kathy Dean, Member
Dona Halsey, Member
Robert Socolosky, Member
William Whitacre, Member

Connecticut

Workers' Compensation Commission
21 Oak Street
Hartford, Connecticut 06106
(860) 493-1500
wcc.state.ct.us
John Mastropietro, Chairman

Delaware

Department of Labor
Office of Workers' Compensation
Fox Valley
P.O. Box 9954
Wilmington, Delaware 19809-9954
(302) 761-8200
www.delawareworks.com
John Polk, Chief Hearing Officer
John F. Kirk, Administrator

District of Columbia

Office of Workers' Compensation
64 New York Avenue, N.E.
2nd Floor
Washington, D.C. 20002
(202) 671-1000
Charles L. Green, Associate Director
<http://does.dc.gov>

Florida

Division of Workers' Compensation
Department of Financial Services
200 East Gaines Street
Tallahassee, Florida 32399-4220
(850) 413-1600
www.fldfs.com/wc
Tanner Holloman, Director

Georgia

State Board of Workers' Compensation
270 Peachtree Street, NW
Atlanta, Georgia 30303-1299
(404) 656-3875
Carolyn Hall, Chairman
Viola Drew, Director
Larry Smith, Director

Guam

Workers' Compensation Commission
Department of Labor
Government of Guam
108 E Street
Tiyan, Guam 96913
(671) 475-0150-2
David G. Dell-isola, Director of Labor
Ex-Officio Commissioner
Rolando P. Zabala, Deputy Director,
Acting Employment Program Administrator

Hawaii

Disability Compensation Division
Department of Labor and Industrial Relations
P.O. Box 3769
Honolulu, Hawaii 96812
(808) 586-9151
Nelson B. Befitel, Director
Gary Hamada, Administrator
Labor and Industrial Relations Appeals Board
830 Punchbowl Street, Room 404
Honolulu, Hawaii 96813
Randall Iwase, Chairman

Idaho

Industrial Commission
317 Main Street
Boise, Idaho 83720
(208) 334-6000
www2.state.id.us/iic/
Thomas Limbaugh, Commissioner
R.D. Maynard, Commissioner
James Kile, Commissioner

Illinois

Industrial Commission
100 West Randolph Street, Suite 8-200
Chicago, Illinois 60601
(312) 814-6555
www.state.il.us/agency/iic
Dennis R. Ruth, Chairman

Indiana

Worker's Compensation Board
402 West Washington Street, Room W196
Indianapolis, Indiana 46204
(317) 232-3808
<http://www.in.gov/workcomp/>
G. Terrence Coriden, Chairman

Iowa

Division of Workers' Compensation
Iowa Workforce Development
1000 E. Grand Avenue
Des Moines, Iowa 50319
(515) 281-5387
www.iowaworkforce.org/wc
Michael Trier, Workers' Compensation
Commissioner

Kansas

Division of Workers' Compensation
Department of Human Resources
800 SW Jackson Street, Suite 600
Topeka, Kansas 66612-1227
(785) 296-4000
www.hr.state.ks.us/wc/html/wc.htm
Paula Greathouse, Director

Kentucky

Department of Workers' Claims
Perimeter Park West
657 To Be Announced Avenue
Frankfort, Kentucky 40601
(502) 564-5550
<http://labor.ky.gov/dwc>
Larry Greathouse, Commissioner

Louisiana

Department of Labor
Office of Workers' Compensation Administration
P.O. Box 94040
Baton Rouge, Louisiana 70804-9040
(225) 342-7561
www.LAWWORKS.net
Daren Reiners Winfrey, Assistant Secretary
of Labor/Director of Office of Workers'
Compensation Administration

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Chart XVI — Directory of Administrators, Cont.

Maine

Workers' Compensation Board
27 State House Station
Augusta, Maine 04333
(207) 287-3751
www.state.me.us/wcb
Paul R. Dionne, Executive Director

Maryland

Workers' Compensation Commission
10 East Baltimore Street
Baltimore, Maryland 21202-1641
(410) 864-5308
Thomas Patrick O'Reilly, Chairman
Mary Ahearn, Director of Administration

Massachusetts

Department of Industrial Accidents
600 Washington Street, 7th Floor
Boston, Massachusetts 02111
(617) 727-4900
www.mass.gov/dia
Angelo Buonopane, Commissioner

Michigan

Workers' Compensation Agency
Department of Labor & Economic Growth
P.O. Box 30016
Lansing, Michigan 48909
(888) 396-5041
www.michigan.gov/wca
Craig Petersen, Acting Director

Board of Magistrates
Department of Labor & Economic Growth
P.O. Box 30016
Lansing, Michigan 48909
(517) 241-9380
Crary Grattan, Chief Magistrate

Workers' Compensation Appellate Commission
Department of Labor & Economic Growth
P.O. Box 30468
Lansing, Michigan 48909
(517) 334-9719
Richard B. Leslie, Chairperson

Minnesota

Workers' Compensation Division
Department of Labor and Industry
443 Lafayette Road
St. Paul, Minnesota 55155
(651) 284-5000
www.doli.state.mn.us
Shirley Chase, Commissioner

Office of Administrative Hearings —
Workers' Compensation Section
1700 100 Washington Square
Minneapolis, Minnesota 55401
Bruce Johnson, Asst. Chief Administrative
Law Judge

Workers' Compensation Court of Appeals
25 Constitution Avenue, Suite 405
St. Paul, Minnesota 55155
(651) 296-6526
Hon. Steven D. Wheeler, Chief Judge

Mississippi

Workers' Compensation Commission
1428 Lakeland Drive
P.O. Box 5300
Jackson, Mississippi 39296-5300
(601) 987-4200
www.mwcc.state.ms.us

Missouri

Division of Workers' Compensation
Department of Labor and Industrial Relations
3315 West Truman Boulevard
P.O. Box 58
Jefferson City, Missouri 65102
(573) 751-4231
www.dolir.mo.gov/wc
Renee T. Slusher, Director

Labor and Industrial Relations
3315 West Truman Boulevard
P.O. Box 599
Jefferson City, Missouri 65102
(573) 751-2461
John P. Madigan, Acting Chair

Montana

State Compensation Insurance Fund
P.O. Box 4759
Helena, Montana 59604-4759
(406) 444-6501
Lawrence Hubbard, President

Workers' Compensation Court
P.O. Box 537
Helena, Montana 59624-0537
(406) 444-7794
Honorable Mike McCarter, Judge

Employment Relations Division
P.O. Box 8011
Helena, Montana 59604-8011
(406) 444-1555
Jerry Keck, Administrator
jkeck@state.mt.us

Nebraska

Workers' Compensation Court
State Capitol Building
P.O. Box 98908
Lincoln, Nebraska 68509-8908
(402) 471-6468
www.nol.org/workcomp
Honorable Michael K. High, Presiding Judge
Glenn W. Morton, Administrator

Nevada

The Division of Industrial Relations
400 West King Street, Suite 400
Carson City, Nevada 89703
(775) 684-7260
Roger Bremner, Administrator

Insurance Division
1665 Hot Springs Road, Suite 152
Carson City, Nevada 89710
(775) 687-4270
Alice Molasky-Arman, Commissioner

New Hampshire

Department of Labor
Division of Workers' Compensation
State Office Park South
95 Pleasant Court
Concord, New Hampshire 03301
(603) 271-3176
James D. Casey, Commissioner of Labor
Kathryn J. Barger, Division Director

New Jersey

Department of Labor
Division of Workers' Compensation
P.O. Box 381
Trenton, New Jersey 08625-0381
(609) 292-2414
www.dwc.dol.state.nj.us
Honorable Peter J. Calderone,
Director & Chief Judge

New Mexico

Workers' Compensation Administration
2410 Centre Street, SE
P.O. Box 27198
Albuquerque, New Mexico 87125-7198
(505) 841-6000
www.state.nm.us/wca
Alan M. Varela, Director

New York

Workers' Compensation Board
20 Park Street
Albany, New York 12207
(518) 474-6670
www.wcb.state.ny.us
Jeffrey R. Sweet, Acting Chairman

North Carolina

Industrial Commission
4319 Mail Service Center
Raleigh, North Carolina 27699-4319
(919) 807-2500
www.comp.state.nc.us
Buck Lattimore, Chairman

North Dakota

Workforce Safety and Insurance
1600 E. Century Avenue
P.O. Box 5585
Bismarck, North Dakota 58506-5585
Executive Director & CEO position open 1/04

Ohio

Bureau of Workers' Compensation
30 West Spring Street
Columbus, Ohio 43266-0581
(614) 466-2950
www.ohiobwc.com
James Conrad, Administrator

Industrial Commission
(614) 466-3010
(Same address as Bureau)
William E. Thompson, Chairman
Donna Owens, Member
Patrick J. Gannon, Member

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Chart XVI — Directory of Administrators, Cont.

Oklahoma

Oklahoma Workers' Compensation Court
1915 N. Stiles
Oklahoma City, Oklahoma 73105-4918
(405) 522-8600
Honorable Richard L. Blanchard,
Presiding Judge
Marcia Davis, Administrator

Oregon

Department of Consumer and
Business Services
Workers' Compensation Division
P.O. Box 14480
350 Winter Street, N.E., Room 27
Salem, Oregon 97309-0405
(503) 947-7810 or
toll free 1-800-452-0288
www.cbs.state.or.us
Cory Streisinger, Director
John Shilts, Administrator

Workers' Compensation Board
2601 25th St. S.E., Suite 150
Salem, Oregon 97302-1282
(503) 378-3308
Maureen Bock, Chair
Liz Browder, Administrative Services Manager

Pennsylvania

Bureau of Workers' Compensation
Department of Labor and Industry
1171 South Cameron Street, Room 103
Harrisburg, Pennsylvania 17104-2501
(717) 783-5421
www.state.pa.us, PA Keyword:
"workers comp"
John T. Kupchinsky, Director

Workers' Compensation Appeal Board
901 North 7th Street, 3rd Floor South
Harrisburg, Pennsylvania 17102-0034
(717) 783-7838
Susan M. McDermott, Chairman

Puerto Rico

Industrial Commissioner's Office
G.P.O. Box 4466
San Juan, Puerto Rico 00936
(809) 781-0545
Basilio Torres Rivera, Esquire, President

State Insurance Fund Corporation
P.O. Box 365028
San Juan, Puerto Rico 00936-5028
Nicolás López Peña, Administrator

Rhode Island

Department of Labor and Training
Workers' Compensation Unit
P.O. Box 20190
Cranston, Rhode Island 02920-0942
(401) 462-8100
www.dlt.ri.gov/wc
Marvin Perry, Acting Director

Workers' Compensation Court
One Dorrance Plaza
Providence, Rhode Island 02903
(401) 458-5000
Robert F. Arrigan, Chief Judge

South Carolina

Workers' Compensation Commission
1612 Marion Street
P.O. Box 1715
Columbia, South Carolina 29202
(803) 737-5700
www.wcc.state.sc.us
J. Alan Bass, Chairman
Alicia K. Clawson, Executive Director

South Dakota

Division of Labor and Management
Department of Labor
Kneip Building, Third Floor
700 Governors Drive
Pierre, South Dakota 57501-2277
(605) 773-3681
www.sdjobs.org/dlm/dlm-home.htm
James E. Marsh, Director

Tennessee

Workers' Compensation Division
Department of Labor & Workforce Development
710 James Robertson Parkway
Gateway Plaza, Second Floor
Nashville, Tennessee 37243-0661
(615) 741-2395
www.state.tn.us/labor-wfd
Sue Ann Head, Administrator

Texas

Workers' Compensation Commission
7551 Metro Center Drive
Austin, Texas 78744-1609
(512) 804-4000
www.twcc.state.tx.us
Mike Hachtman, Chairman

Utah

Labor Commission
P.O. Box 146600
Salt Lake City, Utah 84114-6600
(801) 530-6800
www.laborcomm@utah.gov
R. Lee Ellertson, Chairman
Joyce A. Sewell, Director

Vermont

Department of Labor and Industry
National Life Building, Drawer 20
Montpelier, Vermont 05620-3401
(802) 828-2286
www.state.vt.us/labind
Laura Collins, Director

Virgin Islands

Department of Labor
Workers' Compensation Administration
302 Kings Street
F'sted, St. Croix, Virgin Islands 00840
(340) 692-9390

54 A&B Kronprindsens Gade
St. Thomas, Virgin Islands 00802
(340) 776-3700
www.vidol.gov
Adelbert Anduze, Director

Virginia

Workers' Compensation Commission
1000 DMV Drive
Richmond, Virginia 23220
(804) 367-8633
Virginia R. Diamond, Commissioner
Lawrence D. Tarr, Chairman
William L. Dudley, Jr., Commissioner
www.vwc.state.va.us

Washington

Department of Labor and Industries
7273 Linderson Way, SW
P.O. Box 44001
Olympia, Washington 98504-4001
(360) 902-4200
www.wa.gov/lni
Paul Trause, Director
Board of Industrial Insurance Appeals
2430 Chandler Court, SW
P.O. Box 42401
Olympia, Washington 98504-2401
Thomas E. Egan, Chairperson

West Virginia

Bureau of Employment Programs
Workers' Compensation Division
4700 Mac Corkle Avenue, SE
Executive Offices
Charleston, West Virginia 25304
(304) 926-5048
www.state.wv.us/BEP/wc
Robert J. Smith, Commissioner

Workers' Compensation Appeal Board
104 Dee Drive
P.O. Box 2668
Charleston, West Virginia 25329
(304) 558-5230
Charles S. Donnelly, Chairman

Wisconsin

Workers' Compensation Division
Department of Workforce Development
201 East Washington Avenue, Room C100
P.O. Box 7901
Madison, Wisconsin 53707-7901
(608) 266-1340
www.dwd.state.wi.us/wc
Frances Huntley-Cooper, Administrator

Labor and Industry Review Commission
P.O. Box 8126
Madison, Wisconsin 53708
(608) 266-9820
David Falstad, Chairperson

Wyoming

Department of Employment
Workers' Safety and Compensation
Cheyenne Business Center
1510 E. Pershing Blvd.
Cheyenne, Wyoming 82002
(307) 777-7159
<http://wydoe.state.wy.us/wscd>
Gary Child, Administrator

USCC 56298

Chart XVI — Directory of Administrators, Cont.

United States

Department of Labor
Employment Standards Administration
200 Constitution Avenue, Suite S. 2321
Washington, DC 20210
(202) 693-0200
www.dol.gov
Bernard Anderson, Assistant Secretary
Office of Workers' Compensation Programs
200 Constitution Ave. S 3524
Washington, DC 20210
(202) 693-0031
www.dol.gov/dol/esa/public/owcp_org.htm
Shelby Hallmark, Acting Director
Division of Coal Mine Workers' Compensation
200 Constitution Ave Rm. C3520
Washington, DC 20210
(202) 693-0046
www.dol.gov/dol/esa/public/regs/compliance/owcp/bltable.htm
James DeMarce, Director
Division of Federal Employees' Compensation
(202) 693-0040
www.dol.gov/dol/esa/public/regs/compliance/owcp/fecacont.htm
Deborah B. Sanford, Director
Division of Longshore and Harbor Workers' Compensation
200 Constitution Ave. Rm. C4315
Washington, DC 20210
(202) 693-0038
www.dol.gov/esa/owcp/dchwc/lstable.htm
Michael Niss, Director
Benefits Review Board
800 K Street, NW, Suite 500
Washington, D.C. 20001-8001
(202) 565-7500
www.dol.gov/dol/brb/welcome.html
Hon. Betty Jean Hall, Chief Judge
Employees' Compensation Appeals Board
300 Reporters Building
7th & D Streets, SW, Room 300
Washington, D.C. 20210
(202) 401-8600
www.dol.gov/dol/ecab/welcome.html
Michael J. Walsh, Chairman

Alberta

Workers' Compensation Board
P.O. Box 2415
9925 107th Street
Edmonton, Alberta T5J 2S5
(403) 498-4000
www.wcb.ab.ca/index.html
Guy Kerr, President and CEO

British Columbia

Workers' Compensation Board
P.O. Box 5350, Stn Terminal
Vancouver, British Columbia V6B 5L5
(604) 273-2266
www.worksafebc.com
Douglas Enns, Chair
Board of Directors
Ralph W. McGinn, P. Eng.,
President & CEO

Manitoba

Workers Compensation Board
333 Broadway
Winnipeg, Manitoba R3C 4W3
(204) 954-4321
www.wcb.mb.ca
Wally Fox-Decent, Chairperson
Doug Sexsmith, President and CEO
The Appeal Commission
600-330 St. Mary Avenue
Winnipeg, Manitoba R3C 3Z5
(204) 925-6110
Terry Sargeant, Chief Appeal Commissioner
www.appeal.mb.ca

New Brunswick

Workplace Health, Safety and Compensation Commission
1 Portland Street
P.O. Box 160
Saint John, New Brunswick E2L 3X9
(506) 632-2200
www.whscc.nb.ca
Douglas C. Stanley, President and CEO

Newfoundland and Labrador

Workplace Health, Safety & Compensation Commission
P.O. Box 9000
St. John's, Newfoundland A1A 3B8
(709) 778-1000
www.whscc.nf.ca
Ann Marie Hann, CEO

Northwest Territories

Workers' Compensation Board
P.O. Box 8888
Yellowknife, NW Territories X1A 2R3
(867) 920-3888
Joanne Deneron, Chairperson

Nova Scotia

Workers' Compensation Board
5668 South Street
P.O. Box 1150
Halifax, Nova Scotia B3J 2Y2
(902) 491-8999
www.wcb.ns.ca
Vacant, CEO
Mr. Louis Comeau, Chair
Workers' Compensation Appeal Tribunal
5151 Terminal Road
Ground Floor
P.O. Box 893
Halifax, Nova Scotia B3J 2V9
(902) 424-2250
Katherine F. Carrigan,
Chief Appeals Commissioner

Nunavut

Workers' Compensation Board
P.O. Box 669
Iqaliut, Nunavut X0A 0H0
(867) 979-8500
Andy Wong, Chairperson

Ontario

Workplace Safety and Insurance Board
200 Front Street W.
Toronto, Ontario M5V 3J1
(416) 344-1000
www.wsib.on.ca
Glen Wright, Chair and President

Prince Edward Island

Workers' Compensation Commission
14 Weymouth Street, P.O. Box 757
Charlottetown, Prince Edward Island C1A 7L7
(902) 368-5680
Carol Anne Duffy, CEO & Board Secretary
Honorable Jim Lee, Chairman

Quebec

Commission de la santé et de la sécurité du travail
524, rue Bourdages
C.P. 1200, Terminus postale
Québec (Québec) G1K 7E2
(418) 266-4414
www.csst.qc.ca
Jacques Lamonde, Chairman & CEO

Saskatchewan

Workers' Compensation Board
1881 Scarth Street
Regina, Saskatchewan S4P 4L1
(306) 787-4370
Fax: (306) 787-7582
www.wcsask.com
John Solomon, Chairman
Peter Federko, CEO

Yukon

Workers' Compensation Health and Safety Board
401 Strickland Street
Whitehorse, Yukon Y1A 5N8
(867) 667-5645
(800) 661-0443
<http://www.wcb.yk.ca>
Craig Tuton, Chair
Tony Armstrong, President and CEO

Canada

Human Resources Development Canada
Federal Workers' Compensation Service
Ottawa, Ontario K1A 0J2
(819) 953-8001
Carol Chauvin Evans, Director
Merchant Seamen Compensation Board
Ottawa, Ontario K1A 0J2
(819) 953-8001
H.P. Hansen, Chairman

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for its Members**

The description herein is a summary only. It does not include all terms, conditions and exclusions of the policies described. Please refer to the actual policies for complete details of coverage and exclusions. Coverage may not be available in all jurisdictions.

Abbreviations and Computations

Abbreviations

AAOO	American Academy of Ophthalmology and Otolaryngology	MCO	Managed Care Organization
ALJ	Administrative Law Judge	NAWW	National Average Weekly Wage
AMA	American Medical Association	O.W.C.P.	Office of Workers' Compensation Programs, U.S. Department of Labor
ANSI	American National Standards Institute	OP	Occupational Pneumoconiosis
AWW	Worker's Average Weekly Wage	PMI	Permanent Medical Impairment
C.M.S.C.A.	Canadian Merchant Seamen's Compensation Act	PP	Permanent Partial Disability
COLA	Cost of Living Adjustment	PT	Permanent Total Disability
CPI	Consumer Price Index	SAMW	State Average Monthly Wage
F.E.C.A.	Federal Employees' Compensation Act	SAWW	State Average Weekly Wage
IME	Independent Medical Exam	TP	Temporary Partial Disability
ISO	International Organization for Standardization	TPR	Temporary Partial Rehabilitation
MMI	Maximum Medical Improvement	TT	Temporary Total Disability

Computations — Monthly to Weekly

All benefits payable other than on a weekly basis have been converted to an equivalent weekly rate. There are several methods of conversion in use, which may cause slight differences in results. The *Analysis* attempts to follow the practice of the jurisdiction wherever possible.

1. A method widely used in Canada is to multiply the monthly benefit by 12, divide by 365, and multiply the result by 7. Example for a monthly benefit of \$750:

$$\frac{\$750 \times 12}{365} \times 7 = \$172.60$$

2. A second method is to multiply the monthly benefit by 12 and divide by 52. Example:

$$\frac{\$750 \times 12}{52} = \$173.08$$

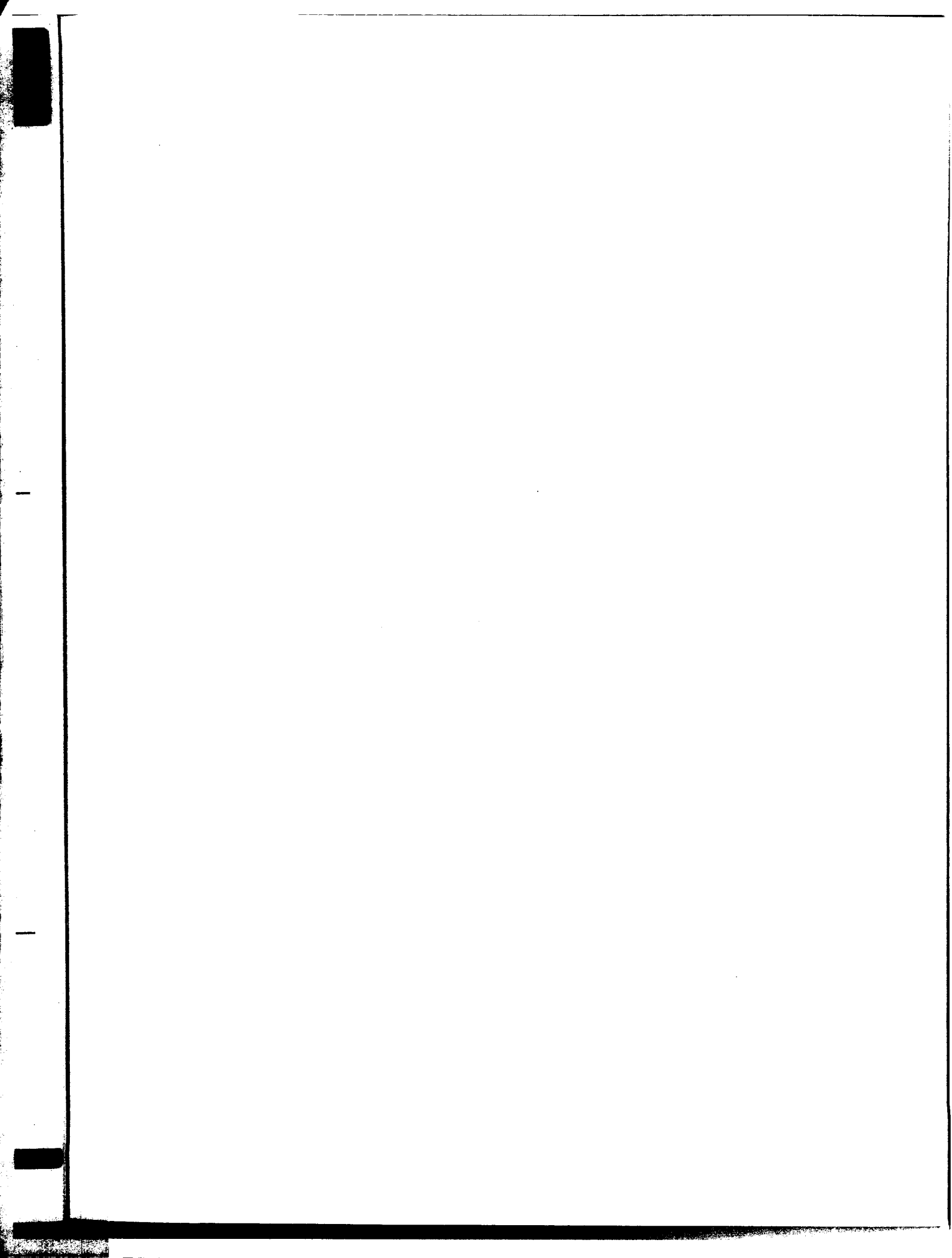
3. The third method is to divide the monthly benefit by 4.3 or a similar figure, because the average month contains 4.33 weeks. Example:

$$\frac{\$750}{4.3} = \$174.42$$

Next Edition of the *Analysis*

A complete revision of this publication is printed annually. The 2005 edition will be available in May 2005. It will reflect changes made in workers' compensation laws effective January 1, 2005.

USCC 56301





U.S. Chamber of Commerce
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0326

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5/04

EXHIBIT 12

ANALYSIS OF WORKERS' COMPENSATION LAWS



2006

CAMBRIDGE



PECK EXHIBIT 12
Offered by Opposer, The Chamber of
Commerce of the United States of America
The Chamber of Commerce of the United
States of America v. United States Hispanic
Chamber of Commerce Foundation
Opposition Number 91/156,321



U.S. Chamber of Commerce

Statistics and Research Center

USCC 56303

ANALYSIS OF WORKERS' COMPENSATION LAWS

2006



2006 Analysis of Workers' Compensation Laws

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USCC 56305

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For updates to the *Analysis*, please visit
www.uschamber.com/research/workercomp

USCC 56306

Foreword

The 2006 edition of the *Analysis of Workers' Compensation Laws* offers an overview of workers' compensation statutes and is intended to provide both a comparison and an improved understanding of the various laws. Sixteen detailed charts are presented to aid employers, employees, insurance firms, agents, brokers, attorneys, physicians, and others in locating specific provisions of workers' compensation laws.

The *Analysis* tracks the laws of the 50 U.S. states, the District of Columbia, American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands. The Federal Employees' Compensation Act (FECA) and the Longshore and Harbor Workers' Compensation Act are also covered. Statutory provisions are also provided for the provinces and

territories of Canada as well as the Canadian Merchant Seamen's Act.

Although the *Analysis* provides essential information needed daily throughout the business community, it should not be considered as an extraction of exact provisions found in statutory texts.

The information required to bring together this publication was supplied by government officials in the states and jurisdictions represented, legislative reporting services, insurance companies, and the U.S. Department of Labor. For further information about the *Analysis*, please contact the U.S. Chamber of Commerce, 1615 H Street, NW, Washington, DC 20062-2000 or phone (202) 463-5381.

Updates to the *Analysis*

A complete revision of the *Analysis* is printed annually. The 2007 edition will be available in June 2007. It will reflect changes made in workers' compensation laws effective January 1, 2007. Mid-year revisions to the 2006 *Analysis*, including updates for those jurisdictions with benefit level changes between publication and January 1, 2007, will be made available free of charge on the world wide web. For more information and the most recent updates to the *Analysis*, please visit www.uschamber.com/research/workercomp.

We greatly appreciate your input.
Please let us know what you think of the *Analysis*—
take our survey at
www.uschamber.com/research/workercomp

Introduction

Highlights of the 2006 Analysis

From 2005 to 2006, maximum income benefits for total disability increased an average of 2.2% in the United States, excluding American Samoa, FECA, and the Longshore Act. The average maximum weekly benefit in the U.S. for 2006 is \$656.42. Iowa makes the highest benefit payment (excluding FECA), with a weekly maximum of \$1,226.25. From 2005 to 2006, maximum income benefits for total disability increased an average of 3.9% in Canada. Canada's average maximum weekly benefit is \$782.71 (Canadian dollars), excluding Manitoba and the Merchant Seamen's Act. British Columbia is the province with the highest weekly payment at \$1,080 (Canadian dollars).

Overview of the Analysis

The charts on the following pages present the statutory provisions of workers' compensation laws as of January 1, 2006, unless otherwise noted. The charts detail the provisions of the laws of the federal, state and territorial jurisdictions of the United States (including the District of Columbia, American Samoa, Guam, Puerto Rico, the U.S. Virgin Islands, the Federal Employees' Compensation Act (FECA), and the Longshore and Harbor Workers' Compensation Act) as well as the federal, provincial and territorial laws of Canada (including the Federal Merchant Seamen's Compensation Act).

The charts do not cover the Federal Black Lung Act, the disability provisions of the Social Security program, the Federal Employers' Liability Act (Jones Act), or veterans' benefits. Also, please note that DC government employees are covered by a separate DC enactment that replaces the FECA. The law for DC government workers is not charted except where it differs materially from FECA (Charts XI and XV). Employees of the Canadian federal government are compensated under the Government Employees' Compensation Act, administered by Human Resources Development. Compensation is paid by the workers' compensation board for the province where the worker is usually employed. Government employees residing in the Northwest Territories, Nunavut, or the Yukon Territory may receive compensation in accordance with the Alberta Act. In view of this arrangement, the charts do not include the Government

Employees' Compensation Act except where it differs materially from the provincial acts.

The charts are grouped in three categories:

- + Coverage of Laws, listing the various requirements pertaining to employment, injuries and diseases (Part 1)
- + Benefits Provided, detailing the required income replacement benefits and medical benefits (Part 2) and
- + Administration of Laws, grouping the many administrative requirements and safeguards (Part 3)

All provisions presented by the charts required study and interpretation to reduce them to the brief statements found in the charts. In some instances, space does not permit sufficient explanation to clarify all points. In such cases, it may be helpful to examine the text of the law.

History of Workers' Compensation and Employers' Liability

Workers' compensation laws are designed to provide a satisfactory means of handling occupational disabilities. These laws, a 20th century development in North America, evolved as the economy became more industrial and less agricultural. Before these laws were enacted, a well-established common law principle held that a master or employer was responsible for injury or death of employees resulting from a negligent act. Thus, workers with disabilities who sued employers for damages had to prove their injuries were due to employer negligence—a slow, costly, uncertain legal process. As business enterprise and machine production expanded, the number of industrial accidents and personal injury suits increased. At the close of the 19th century it was apparent that the accepted common-law defenses—contributory negligence, assumption of risk, negligent acts of fellow servants—operated too harshly on claims of workers with disabilities. The situation led to demands for legal provisions.

As a result, between 1900 and 1910 so-called employers' liability laws were adopted by many states. Although they tended to modify common-law defenses, they did not prove completely satisfactory; employees still had to prove employer responsibility and negligence. Other legal remedies were urged.

A new answer was forthcoming. In 1911 the first workers' compensation laws were enacted in the United

States on an enduring basis. The first comprehensive Canadian laws were enacted in 1915.

Today, each of the 50 states, as well as American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands, has a workers' compensation law. Federal workers' compensation laws have also been enacted, i.e., the District of Columbia Workers' Compensation Act, the Federal Employees' Compensation Act and the Longshore and Harbor Workers' Compensation Act—the latter providing for private and public employees in nationwide maritime work. Each of the Canadian provinces and territories has a compensation act or ordinance as well.

In essence, workers' compensation laws hold that industrial employers should assume costs of occupational disabilities without regard to any fault involved. Resulting economic losses are considered costs of production—chargeable, to the extent possible, as a price factor. The laws serve to relieve employers of liability from common-law suits involving negligence.

Six basic objectives underlie workers' compensation laws:

- Provide sure, prompt, and reasonable income and medical benefits to work-accident victims or income benefits to their dependents, regardless of fault.
- Provide a single remedy and reduce court delays, costs and workloads arising out of personal injury litigation.
- Relieve public and private charities of financially draining incidents associated with uncompensated industrial accidents.
- Eliminate payment of fees to lawyers and witnesses as well as time-consuming trials and appeals;
- Encourage maximum employer interest in safety and rehabilitation through appropriate experience-rating mechanisms.
- Promote frank study of causes of accidents (rather than concealment of fault), thereby reducing the number of preventable accidents and consequent human suffering.

To what extent have the laws achieved their desired objectives? Answers to this question vary from state to state and depend on many factors, including the viewpoint of the appraiser.

However, a 1972 evaluation by the National Commission on State Workmen's Compensation Laws concluded that state laws were not living up to their potential, and the commission made 84 recommendations for the improvement of the system. Nineteen of these were labeled essential. Despite this negative assessment, the Commission was convinced that workers' compensation is a fundamentally sound system and a valued institution in our industrial economy.

In January 1976, the policy group of the Inter-Agency Workers' Compensation Task Force, with members from several U.S. government departments and agencies, reported its findings on the need for reform of state workers' compensation programs. Essentially, the Task Force found existing programs must be reformed to bring about more effective management at the state level, with the federal government monitoring progress and providing technical assistance. The group felt that, without a reordering of priorities and a new mode of operation, workers' compensation would become more expensive, less equitable, and less effective. After completing its mission, the Task Force was merged with the Division of State Workers' Compensation Standards in the Office of Workers' Compensation Programs, U.S. Department of Labor.

The constructive criticism rendered by the Commission and the Task Force gave new impetus to the development and growth of workers' compensation laws, and these laws now enjoy a more prominent role within the social insurance system of the United States. The National Commission and the Task Force both rejected proposals to replace the various state programs with one federal program. Nevertheless, legislation has been introduced in the U.S. Congress for the past several years to give the federal government a direct role in the state systems by federally mandated "minimum standards." There has never been sufficient support for these bills to move them beyond the committee level.

Part 1—Coverage of Laws

A basic and oft-repeated objective of workers' compensation, where there is broad agreement, is that coverage under the acts should be virtually, if not completely, universal. For various historical, political, economic or administrative reasons, no state law covers all forms of employment.

To aid employers in delineating the employment coverage requirements, Charts I, II, and III outline the stipulations of the various jurisdictions.

Another basic objective for workers' compensation is to provide compensation for all work-related injuries and diseases. Note that workers' compensation does not seek to cover all worker health problems. To make this distinction, fairly uniform statutory definitions and tests have been adopted in each state. Typically the statute limits compensation benefits to personal injury caused by accidents arising out of and in the course of employment.

Although the test is fairly uniform, its interpretations has not resulted in completely uniform coverage of injuries and diseases. Initially, this problem was remedied by providing coverage for specific occupational diseases. With advances in medical technology and increased exposures to a growing number of substances with a variety of physical stresses, it became impractical to define work-related diseases by specific enumeration. States have therefore amended their statutes to provide coverage of all occupational diseases. Chart IV portrays this shift in the laws, with every state and nearly every provincial law recognizing all occupational diseases.

Type of Law and Insurance Requirements (Chart I)

Compensation laws are *compulsory* or *elective*. Under an *elective* law, the employer may accept or reject the act, but if rejected the employer loses the three common-law defenses—contributory negligence, assumption of risk, and negligence of fellow employees. Practically, this means that all laws, in effect, are compulsory. A compulsory law requires each employer within its scope to accept its provisions and provide for the benefits specified.

Suits for Damages—Under workers' compensation acts, employers generally are exempt from damage suits. Where an employee rejects the act, and sues an employer who has accepted it, the employer usually retains the three common-law defenses. Conditions for rejection of the act often are so

severe as to make the privilege virtually inoperative. In a few states, however, courts have created exceptions to the exclusive remedy rule under certain circumstances.

Security for Payment of Benefits—Most jurisdictions require employers to obtain insurance and prove financial ability to carry their own risk.

Chart I notes provisions relating to:

- + Insurance requirements;
- + Penalties for failure to insure; and
- + Whether self-insurance or group self-insurance is permitted.

The U.S. Chamber of Commerce advocates that employers be permitted to buy private insurance if they so desire and that employers who qualify be permitted to be self-insurers. Chamber policy states:

Insurance is an integral part of private enterprise.

Insurance should not be regarded as a function to be carried on by the government, and insurance monopolies carried on by governmentally created entities should not be permitted.

Self-Insurers—Some large corporations prefer to assume liability for workers' compensation and avoid administrative costs associated with insurance policies.

Self-insurance operates best when an employer has a spread of risk so large that the employer may benefit from the law of numbers. It is necessary and desirable that self-insurers establish their own protective services. Also, the self-insurer may have to retain attorneys and doctors to handle problems incident to claims and medical and legal services.

Self-insurance is permitted in most U.S. states as shown in Chart I. Chart I also reflects those states that specifically authorize group self-insurance.

Employers may set up a reserve fund for self-insurance to pay compensation and other benefits under the workers' compensation acts of the states. Contrary to the treatment accorded in insurance premiums, amounts paid into this reserve fund are not always deductible from gross income as a business expense for income tax purposes. However, amounts paid out—as cash or medical benefits—are deductible. In many cases, insurance is purchased because

such purchase can dispose of the item of expense and future cost in the current year.

Coverage of Laws (Chart II)

Virtually all industrial employment is covered by workers' compensation. Chart II shows this in detail; it also indicates the extent of coverage for public employment.

Some jurisdictions cover all private employment; others exempt those with less than a stipulated number of employees. Most jurisdictions specifically exclude certain employments. Due to the nature of the work, farm labor, domestic servants and casual employees are usually exempted. Most jurisdictions permit employees in an exempted class to be brought in voluntarily by the employer or the administrative agency order.

Many jurisdictions provide workers' compensation for all or certain classes of public employees.

Merchant marine and railroad workers in interstate commerce generally are not covered by workers' compensation acts and may seek damages under the Federal Employers' Liability Act.

Coverage of Minors (Chart III)

Minors are covered by workers' compensation. Some jurisdictions provide double compensation or added penalties, as shown in Chart III. In many states, minors also enjoy special legal protections. These are specifically noted for each state.

Coverage of Occupational Diseases (Chart IV)

Although workers' compensation laws initially had no specific provisions for occupational diseases, now all states recognize responsibility for them. Coverage extends to all diseases arising out of and in the course of employment. Most states do not provide compensation for a disease that is an ordinary disease of life or that is not peculiar to or characteristic of the employee's occupation.

Chart IV outlines provisions governing occupational disease in each jurisdiction. Generally, compensation is the same as for traumatic injuries (see Part 2). Medical care is unlimited. A few states that do not provide permanent partial disability benefits for certain diseases are charted under the heading 'Compensation.'

Occupational diseases usually become evident during employment or soon after exposure. However, as with radiation disabilities, certain diseases may be latent for a considerable time. As Chart IV notes, most states have extended

periods in which claims may be filed concerning latent, slowly developing occupational diseases.

Some states impose special restrictions regarding disability resulting from exposure to coal, dust, asbestos, silica, or radiation. A number of states have established presumptions for police and fire fighters who have heart attacks or respiratory conditions, but no attempt is made to chart them.

Occupational Hearing Loss (Chart V)

The difficulty of distinguishing between work-related permanent hearing loss and loss of hearing caused by nonoccupational factors has resulted in enactment of special provisions in certain states, as shown in Chart V. Entries include the threshold for compensable loss of hearing, minimum exposure requirements and deductions for loss caused by aging (presbycusis).

Other Considerations

+ **Accident Prevention**—The encouragement of safety is another basic objective of workers' compensation. The effort to reduce the frequency and severity of work-related injuries is accomplished in at least two ways.

First, the workers' compensation program provides employers with preventive services, including safety engineering. This role is assumed by casualty insurance carriers, employers, state funds, and safety agencies. A second general role is to provide a monetary incentive to employers to improve their safety records. The insurance premium structure is a primary incentive for an improved safety record.

Costs of accident-prevention services are included in workers' compensation insurance premiums. Casualty insurance engineers help in setting up accident-prevention programs. Such programs contribute to lower insurance rates, increased production efficiency, and better use of manpower. Of course, the greatest benefit is the strong decrease in industrial accidents by the effective loss-prevention engineering methods.

+ **Rating Service Organizations**—Premium rates for workers' compensation insurance are compiled scientifically. Accident experience throughout the U.S. business community is collected by data service organizations. Member companies of these organizations report expenses incurred under workers' compensation policies.

In states that follow the traditional process for establishing rates, the data organization prepares a statistical analysis that includes a manual rate. The manual rate incorporates factors that cover claims costs ("loss costs"), taxes and assessments, expenses, and profit. In other states, the statistical analysis prepared by the data organization typically

includes only the portion of the rate that covers loss costs and taxes, and each insurer is individually responsible for preparing its own final rates. In these states, the statistical organization prepares a manual rate only for employers insured through an assigned risk pool or similar residual market mechanism. Whether a state uses a final rate or loss costs system, the statistical analysis based on collective activity is subject to review by each state's insurance regulatory authority to assure that rates are not excessive, inadequate, or unfairly discriminatory.

Once overall rates are established, they are applied under a uniform classification system that groups employers by the level of hazard associated with their type of employment. In addition, the uniform experience rating plan provides a price adjustment for each employer based on the actuarially predictive value of its own claims history. All but the smallest employers are subject to experience rating, which furnishes direct monetary incentive for safety and prompt re-employment. Most states also permit other forms of pricing adjustments, such as retrospective rating, deductible plans, discounts, and loss sensitive dividend plans.

Manuals prepared by data organizations are standard with all insurance companies writing business in each state where such organizations are licensed. These manuals set forth rules, procedures, and rates of loss costs applicable to workers' compensation insurance. Revised compensation rates and supporting data are filed annually with it; often, public hearings are held before rates are revised. All states now provide for rate regulation by state authority. In Canada, rates are in the form of an assessment—established by each provincial compensation board annually by class of risk. As set forth in these manuals, compensation rates are based on payroll. Usually only an estimated premium is collected when the policy is written. After the policy expires, a payroll audit is required. The actual premium is then figured and adjustments made.

† Injuries Outside the Jurisdiction—Frequently, when a worker's occupation takes the worker into another jurisdiction, questions arise as to which law determines compensation payable. In effect, most compensation laws are extraterritorial—either by specific provisions or court decision. Answers depend on the provisions of the particular laws involved and require consideration of several circumstances—such as the place and nature of employment, place where the contract was made, employee's residence, and the employer's place of business.

† Civil Defense and Other Volunteers—Many states have laws to compensate civil defense and other volunteer workers, such as fire fighters, injured in the line of duty. Attention is called to these laws, but no attempt is made to chart their provisions.

† Black Lung Act—The Federal Black Lung Act (Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended in 1972, 1977, 1978 and 1981) provides benefits for total disability or death caused by respiratory illness attributable to coal mining (black lung disease). The Act is administered by the Division of Coal Mine Workers' Compensation of the U.S. Department of Labor's Office of Workers' Compensation Programs and by the Social Security Administration.

Monthly benefit rates range from \$574 to \$1,149, in addition to annual cost-of-living adjustments (as of January 1, 2006).

A Black Lung Disability Trust Fund, financed by an excise tax on coal production, was set up by the 1978 amendments to pay claims when the last employment was prior to 1970 or where no responsible coal mine operator has been identified.

† Social Security Disability—The Federal Social Security Disability program pays benefits on behalf of disabled workers under age 65 whose disability is expected to last a minimum of 12 months or to result in death. A worker becomes eligible after a minimum period of employment covered by Social Security, measured in calendar quarters. There is a five-month waiting period.

Cash benefits are payable monthly based on wages in covered employment, plus allowances for spouse and children. In March 2006, the average monthly benefit was \$942.10 for disabled workers, which includes a 4.1% cost-of-living increase based on the Consumer Price Index.

Benefits are paid out of the Disability Trust Fund, financed from the Federal Social Security tax.

On October 25, 1999 the Social Security Administration revised the medical criteria for determination of disability according to 64 FR 46122.

Combined Social Security disability and workers' compensation benefits may not exceed 80 percent of average current earnings prior to disability. The Omnibus Budget Reconciliation Act of 1991 requires that Social Security disability benefits supplement workers' compensation unless state law provided for a reverse offset on or before February 18, 1981.

Chart I—Type of Law and Insurance Requirements

Jurisdiction	Type of Law	Insurance	Self-Insurance	Penalties on Failure to Insure
Alabama	Compulsory	Required	Individual and group	Fine between \$100 and \$1,000. Employer may be enjoined from doing business and liable to suit with defenses abrogated, plus double amount of compensation.
Alaska	Compulsory	Required	Permitted	Class B or C felony (up to 1 year imprisonment, \$10,000 fine, or both). Board may enjoin use of labor, assess civil penalty up to \$1,000 per day times number of employees that worked while employer uninsured.
Arizona	Compulsory	Required	Individual and group	\$1,000 civil penalty plus a 10% penalty on all claim expenses. Award paid by special fund. Injunction against doing business in state. Employer liable to suit with defenses abrogated.
Arkansas	Compulsory	Required	Individual and group ¹	Fine up to \$10,000 or Class D felony; possibly enjoined from engaging in further employment. Employer liable to suit with defenses abrogated.
California	Compulsory	Required	Individual and group	Misdemeanor punishable by up to 1 year imprisonment in county jail, \$10,000, or both. Mandatory penalty upon issuance of stop order is \$1,000 per employee; maximum \$100,000. Employer may be enjoined from doing business. Payments are credited to the Uninsured Employers Benefits Trust Fund of the State Treasury.
Colorado	Compulsory	Required	Individual company and group	Compensation increased 50% or employer liable to suit with defenses abrogated (at option of employee). Employer may also be enjoined from doing business and/or fined up to \$250 for every day that the employer fails or has failed to keep the insurance for the first violation with a maximum of \$500 per day for subsequent violations.
Connecticut	Compulsory	Required	Permitted	Fine up to \$50,000 for failure to insure. Employer may be enjoined from entering into any contracts of employment.
Delaware	Compulsory	Required	Individual and group	Fine of \$1 per day per employee (minimum \$25 per day) if default continues for 30 days. Employer may be enjoined from doing business. Employer liable to suit with defenses abrogated.
District of Columbia	Compulsory	Required	Permitted	Civil fine between \$1,000 and \$10,000.
Florida	Compulsory	Required	Individual and group ²	Fine of \$1,000 or 1.5 times the amount the employer would have paid during periods it illegally failed to secure coverage in the preceding 3-year period, whichever is greater. Failure to provide coverage is deemed an immediate and serious danger to public health, safety, or welfare sufficient to justify stop-work order issuance. Subject to prosecution for felony for knowingly failing to secure coverage if required and a penalty of \$1,000 per day for each day an employer conducts business operations in violation of a stop-work order.
Georgia	Compulsory	Required	Individual and group	Misdemeanor. Compensation may be increased 10% plus attorney's fees. Penalty up to \$5,000 per violation.
Hawaii	Compulsory	Required	Individual and group	\$250 or \$10 per employee per day during default, whichever is greater. Employer may be enjoined from doing business.
Idaho	Compulsory	Required	Permitted	Misdemeanor. Employer may be liable for penalty of \$2 per day per employee or \$25 per day, whichever is greater, for each day failure continues. May be enjoined from doing business. Additional penalties include \$500 for the second violation and \$1,000 for subsequent violations.
Illinois	Compulsory	Required	Individual and group	Fine up to \$500 for each day's default. Minimum penalty \$10,000. Employer liable to suit, as well as corporate officers, directors, partners, and members of limited liability company upon finding of knowing and willful refusal or failure to comply if employer does not pay penalty.
Indiana	Compulsory	Required	Permitted ³	Class A infraction. Maximum fine \$10,000. Uninsured employer may be liable for medical and legal expenses, plus double compensation. May be enjoined from doing business.
Iowa	Compulsory	Required	Individual and group	Employer is liable for penalty up to \$1,000 per day and may be enjoined for further noncompliance. A temporary or permanent writ of injunction may be ordered enjoining an employer from operating without insurance or self-insurance coverage. Employer liable to suit with defenses abrogated and presumption of negligence of employer.
Kansas	Compulsory	Required	Individual and group	Employer liable to suit. Penalty may be double the amount the premium would have been or \$25,000, whichever is greater.
Kentucky	Compulsory	Required	Individual and group	Employer may be enjoined from doing business. If employer fails to maintain coverage, each employee and each day of noncompliance shall constitute a separate offense for purposes of determining the fine or penalty. Employer is subject to criminal penalty, including a fine of \$100 to \$1,000, imprisonment for 30 to 180 days, or both. Claimant may claim compensation and bring action at law or in admiralty with employer's common law defenses abrogated.
Louisiana	Compulsory	Required	Individual and group	Compensation increased 50% and civil fine up to \$10,000 (\$250 for first offense group and \$500 for each additional employee). Employer may be enjoined from doing business. Willful failure to insure is a felony and is subject to a criminal fine up to \$10,000 and 1 year with or without hard labor. Willful misrepresentation is a felony subject to a criminal fine up to \$10,000 and 10 years with or without hard labor.

Chart I—Type of Law and Insurance Requirements, Cont.

Jurisdiction	Type of Law	Insurance	Self-Insurance	Penalties on Failure to Insure
Maine	Compulsory	Required	Individual and group	Class D crime. Employer liable for civil penalty up to \$10,000 or amount equal to 108% of the premium (calculated using Maine Employers' Mutual Insurance Company's Standard Discounted Standard Premium) that should have been paid during the period the employer failed to secure coverage, whichever is larger, payable to Employment Rehabilitation Fund. Corporate employers subject to revocation or suspension of authority to do business. Employer liable to suit with defenses abrogated.
Maryland	Compulsory	Required	Individual and group ⁴	Fine between \$150 and \$500 and 15% of any award made in the claim, up to \$2,500. Uninsured employer guilty of misdemeanor and upon conviction subject to fine up to \$5,000, 1-year imprisonment, or both. Employer loses exclusivity of remedy protection and if sued in tort the defenses of contributory negligence and assumption of risks are abrogated.
Massachusetts	Compulsory	Required	Individual and group	Fine up to \$1,500, imprisonment up to 1 year, or both; employer liable to suit with defenses abrogated. Civil penalties for failure to insure include stop-work orders, debarment from state and municipal contracts, and a \$100 per day fine for each day employer operates after stop-work order.
Michigan	Compulsory	Required	Individual and group	Fine up to \$1,000 per day, imprisonment up to 6 months, or both; employer liable for damages.
Minnesota	Compulsory	Required	Individual and group	Fine up to \$1,000 per employee per week during which the employer was not in compliance. Employer may be enjoined from further employment. Intentional non compliance is a gross misdemeanor. Employer liable to suit with some defenses abrogated. Additional penalty of \$2,000 is assessed if information reported to obtain business license or permit is false.
Mississippi	Compulsory	Required	Individual and group ⁵	Fine up to \$1,000, 1 year imprisonment, or both; civil penalty up to \$10,000. Employer liable to suit with defenses abrogated.
Missouri	Compulsory	Required ⁶	Individual and group	Class A misdemeanor, prosecution by the attorney general. Worker may receive medical and/or death benefits out of Second Injury Fund and employer is liable for an amount equal to 3 times the annual estimated premium of employer or \$50,000, whichever is greater. Employer liable to suit with defenses abrogated. Policy is required to obtain a business license.
Montana	Compulsory	Required	Individual and group ⁷	Employer enjoined from doing business. Double amount of unpaid premiums assessed as penalty (minimum \$200). Employer liable for all benefits paid or to be paid to injured worker. Employer automatically negligent if no coverage obtained. Penalties payable to Uninsured Employers' Fund.
Nebraska	Compulsory	Required	Permitted ⁸	Employer liable to suit with defenses abrogated and may be subject to any 1 or more of the following: enjoinder from doing business until compliance is secured, imprisonment up to 1 year, or penalty up to \$1,000 for each violation. Each day of continued failure to secure payment of compensation constitutes a separate violation.
Nevada	Compulsory	Required	Individual and group	An employer who fails to obtain or maintain coverage is liable to suit by the injured employee or his or her dependents; if the injured employee elects to be covered by the Uninsured Employers' Claim Account, the employer is liable for claim costs, administrative fees, interest, attorney's fees and costs, and administrative fine up to \$10,000. The employer's business may be closed and employer is liable for penalty equal to the premiums that would have been owed for the period of noninsurance but not to exceed 6 years and interest. A first offense is generally a misdemeanor; however, if an employee in the course and scope of employment suffers substantial bodily harm or is killed during the period of noncoverage, it is a category C felony, punishable by imprisonment between 1 and 5 years and fine between \$1,000 and \$50,000. A second failure to provide or maintain insurance coverage is a category C felony.
New Hampshire	Compulsory	Required	Individual and group	Misdemeanor. Penalty of \$2,500 plus \$100 per employee per day. Employer may be enjoined from doing business and injured worker may sue for damages.
New Jersey	Elective ⁹	Required	Permitted	Uninsured employers are subject to a disorderly persons offense and, if determined to be willful, a crime of the fourth degree. Penalties for such failure can be assessed up to \$1,000 for the first 20 days, with additional assessments of \$1,000 for each 10-day period of failure to insure thereafter. In the event a work-related accident occurs and a formal decision is rendered by a judge of compensation, the uninsured employer is personally responsible to provide all benefits—medical, temporary, permanent, and dependency. The employer may also be subject to a \$1,000 penalty and an additional assessment of 15% of the award, up to \$5,000.
New Mexico	Compulsory	Required	Individual, group, and pools ¹⁰	Employer may be enjoined from doing business and fined up to \$1,000 for each instance of noncompliance.
New York	Compulsory	Required	Individual and group	Fine between \$500 and \$2,500, imprisonment up to 1 year, or both. Fines up to \$7,500 for repeated offenses. Employer liable to suit with certain special defenses abrogated. Additional fine of \$250 for each 10-day period of noncoverage or a sum not to exceed 2% of payroll for period of noncoverage."
North Carolina	Compulsory	Required	Individual and group ¹²	Misdemeanor punishable by penalty of \$1 per day per employee (maximum \$100, minimum \$50 per day), imprisonment, or both. Employer liable to suit with common law defenses abrogated.

Chart I—Type of Law and Insurance Requirements, Cont.

Jurisdiction	Type of Law	Insurance	Self-Insurance	Penalties on Failure to Insure
North Dakota	Compulsory	Required in state fund	Not permitted	Class A misdemeanor. If premium is more than \$500, it is a class C felony. \$2,000 fine plus 3 times the difference between premium paid & amount that should have been paid. Employer may be enjoined from employing uninsured workers. Uninsured employer liable for damages for injuries or death, with common law defense abrogated.
Ohio	Compulsory	Required in state fund	Permitted	Minor misdemeanor: fine up to \$100. If willful, second-degree misdemeanor: fine up to \$750, imprisonment up to 90 days, or both. Employer may be enjoined from doing business. Employer is also liable to suit with defenses abrogated.
Oklahoma	Compulsory	Required	Individual and group	Civil penalties are fined up to \$250 per employee for first offense and up to \$1,000 per employee for subsequent offenses; maximum fine for all violations is \$10,000. Criminal penalty is conviction of misdemeanor subject to a fine up to \$1,000, up to 6 months in jail, or both. The commissioner of labor can issue cease and desist order against an employer who is cited for 2 offenses of failing to obtain workers' compensation insurance.
Oregon	Compulsory	Required	Individual and group	Minimum fine of \$1,000 for first violation or twice the amount of premium evaded, whichever is greater, up to \$250 per day for subsequent violations. Liable for payment of all claims plus administrative costs. Enjoined from hiring workers. Employer is liable to suit with defense abrogated.
Pennsylvania	Compulsory	Required	Permitted	Third-degree misdemeanor. Fines up to \$2,500 and/or 1 year in prison for each day of noncoverage can be imposed. If failure to insure is intentional, offense is considered a third degree felony with fines of up to \$15,000 and 7 years in prison per day of noncoverage. Any party may file a criminal complaint against an uninsured party with the county district attorney's office.
Rhode Island	Compulsory	Required	Individual and group	Felony. Fine up to \$10,000 and/or 2 years' imprisonment. If violation unintentional, civil penalties equal to 1 year of the employer's annual premium up to triple that amount. Intentional violators are subject to a civil penalty of \$500 to \$1,000 per day for each day of noncompliance. Corporate officers, partners in LLPs, and members and managers of LLCs are personally liable.
South Carolina	Compulsory	Required	Individual and group	Fine of 10¢ per day per employee (maximum \$50; minimum \$1 per day). Willful failure to insure is a misdemeanor punishable by fine of \$100 to \$1,000, imprisonment 30 days to 6 months, or both. Employer liable to suit with defenses abrogated.
South Dakota	Elective	Required	Individual	Employer liable to suit for damages or double compensation and medical care as benefits.
Tennessee	Compulsory	Required	Individual and group	Administrative fine up to 2.5 times the average yearly workers' compensation insurance premium. Intentional failure to insure may be considered a fraudulent insurance act and punishable as a misdemeanor or as a felony.
Texas	Elective ¹³	Required	Permitted ¹⁴	Employer liable to suit with defenses abrogated.
Utah	Compulsory	Required	Permitted	Misdemeanor. Minimum fine \$1,000 but not more than 3 times the premium employer would have paid during period of noncompliance. Employer liable to suit with defenses abrogated. Employer liable for all compensation paid from Uninsured Employers' Fund plus interest, costs, and attorney's fees.
Vermont	Compulsory	Required	Permitted	Fine up to \$50 per day; maximum of \$5,000. Fine increases to \$150 per day 5 days after notice by commissioner.
Virginia	Compulsory	Required	Individual and group	Intentionally uninsured employer commits Class 2 misdemeanor. Civil penalties of \$500 to \$5,000. Employer liable to suit with certain defenses abrogated and may be enjoined from doing business.
Washington	Compulsory	Required in state fund	Permitted ¹⁵	Claim cost penalty: 50% to 100% of cost of the injury; unregistered penalty: \$500 or twice the unpaid premium, whichever is greater.
West Virginia	Compulsory	Required in state fund	Permitted through approval of the board of managers	Employer is subject to an administrative fine by the insurance commissioner up to \$10,000, and directors and officers of an uninsured company can be personally liable for any claims made out of the uninsured fund. Employer liable to suit with certain defenses abrogated, may be enjoined from doing business in the state, and may have certain state-issued licenses revoked. Employer and certain owners and officers may be listed on the Employer Violator System.
Wisconsin	Compulsory	Required	Permitted	Fine of twice the amount of premium not paid during an uninsured time period or \$750, whichever is greater. Under certain circumstances, an employer can be subject to a penalty of \$100 for each day that he or she is uninsured, up to 7 days. Employer may be restrained from doing business pending compliance. Employer is liable for all benefits awarded on uninsured claims.
Wyoming	Compulsory ¹⁶	Required	Permitted if work is determined to be not extra-hazardous	Fine of not more than \$750 for first conviction; fine of not more than \$10,000 for subsequent convictions plus .02% interest per month or \$50 per month, whichever is greater, on unpaid balance. Employer may be enjoined from doing business and liable to suit with defenses abrogated.
American Samoa	Compulsory	Required		
Guam	Compulsory	Required	Not permitted	Uninsured employers may be sued at law or in admiralty. Insured employer liability is exclusive for contribution among joint tort feors against the employer.

Chart I—Type of Law and Insurance Requirements, Cont.

Jurisdiction	Type of Law	Insurance	Self-Insurance	Penalties on Failure to Insure
Puerto Rico	Compulsory	Required in territorial fund	Not permitted	Misdemeanor. Fine up to \$1,000, imprisonment up to 6 months, or both. Penalty 30% of fund compensation (minimum \$10). Detention of construction work. Employer liable to suit with defenses abrogated.
Virgin Islands	Compulsory	Required in territorial fund	Not permitted	Employer liable for compensation and expenses plus penalty equal to 30% of compensation and expenses. Fine up to \$500, imprisonment up to 6 months, or both. Interest on premiums in default. Employer may be enjoined from doing business. Employer liable to suit with defenses abrogated.
FECA	Compulsory	Federal appropriation		
Longshore Act	Compulsory	Required	Permitted	Fine up to \$10,000, 1 year in prison, or both for each corporate officer for failure to secure payment of compensation.
Alberta	Compulsory	Required in provincial fund	Not permitted	Fine up to \$25,000 plus additional penalties at the discretion of the board for failure to pay premium. Security may be required in cases of nonpayment. Where security is not furnished, the board may order the employer to cease employment of workers.
British Columbia	Compulsory	Required in provincial fund	Not permitted except for some historical exceptions (e.g. federal and provincial crown)	May be liable for retroactive assessment plus a penalty of 8% on amount due or a minimum of \$25 plus 1% per month thereafter if balance remains unpaid. Penalties can be relieved in whole or in part if default was excusable. May also be liable for total costs of any claims that occurred prior to registration.
Manitoba	Compulsory	Required in provincial fund	Permitted ¹⁷	Penalty for late filing of payroll return is 5% of employer's assessment; penalty for provincial failure to submit payroll return is 10% of employer's assessment. Inaccurate reporting may result in a penalty of 15% of the difference between the amount reported by the employer and the amount determined by the board. In all cases, maximum penalty is \$5,000.
New Brunswick	Compulsory	Required in provincial fund ¹⁸	Permitted for federal and provincial crown	Failure to submit statement of wages: employer liable for assessment backdated to mandatory coverage date plus maximum penalty of \$500. Late filing penalty: 5% if received prior to April 15 and 10% afterward to a maximum of \$500 in each industry. Failure to pay assessment: employer liable for compensation payable plus interest and costs of collection.
Newfoundland and Labrador	Compulsory	Required in provincial fund	Permitted with agreement of commission	Maximum penalty \$2,000 for failure to submit statement of wages. Failure to pay assessment results in assessment plus costs of collection and interest on the outstanding assessment. Employer may be held liable for costs of claims or injuries during period of default.
Northwest Territories and Nunavut	Compulsory	Required in territorial fund		At the president's discretion: backdate employer 3 years plus current (or back to the date employer became mandatory, whichever is less), penalize employer 15% of associated premium for failure to register, or charge maximum cost of the claim up to \$10,000.
Nova Scotia	Compulsory	Required in provincial fund	Permitted for federal and provincial crown	Coverage backdated and penalty charged on outstanding assessment equal to 10% of assessment owed. If employer registers as a result of filing a claim, the cost of the claim will be charged.
Ontario	Compulsory	Required in provincial fund	Permitted ¹⁹	Failure to submit statement of wages upon commencing operations and at other required times: penalty plus liability for additional percentage of assessment and costs of claim at discretion of board. Penalties for failure to register, pay premiums as due, and provide other information upon request.
Prince Edward Island	Compulsory	Required in provincial fund	Permitted for federal and provincial crown	Penalty for late registration is a maximum of \$500 for each assessment year.
Québec	Compulsory	Required in provincial fund	Not permitted ²⁰	Failure to submit statement of wages following the opening of the file with the provincial board or at other specified times will cause interest to be calculated and charged to the concerned employer.
Saskatchewan	Compulsory	Required in provincial fund	Not permitted	Failure to submit statements of wages upon commencing operations or at other required times: maximum fine \$1,000. Also, liable to pay an additional percentage of the assessment as penalty or interest on the amount of assessment as fixed by the board.
Yukon Territory	Compulsory	Required in territorial fund	Not permitted	The maximum fine is \$5,000, 6 months imprisonment, or both. Employer may be enjoined from doing business.
Canadian Merchant Seamen's Act	Compulsory	Required	At discretion of board	Failure to insure or cover by other means satisfactory to the board may cause ship to be detained by Customs.

Notes

¹ Arkansas—Municipalities with population of more than 70,000 may self-insure on individual or group basis.

² Florida—Application for workers' compensation coverage under a group self-insurance fund must contain the following statement: "This is a fully assessable policy. If the fund is unable to pay its obligations, policyholders must contribute on a pro rata earned premium basis the money necessary to meet any unfilled obligations."

³ Indiana—Except as to state and political subdivisions, banks, trust companies, and savings and loan associations. These entities are self-insured by statute.

⁴ Maryland—Eligibility for group self-insurance is limited to counties, municipalities, boards of education, community colleges, and certain private employers.

⁵ Mississippi—All self-insurers must be members of the Mississippi Workers' Compensation Self-Insurer Guaranty Association.

⁶ Missouri—Employers engaged in mining must insure only to the extent of maximum liability for 10 deaths in any 1 accident.

⁷ Montana—Private employers and public entities, other than state agencies, may establish individual or group self-insurance funds.

⁸ Nebraska—Group self-insurance permitted for any 2 or more public agencies.

⁹ New Jersey—Statutory presumption of compulsory inclusion in every contract of hire since 7/4/11. Coverage may be terminated by either party upon notice in writing prior to any accident. Permits 10 or more employers licensed by the state as hospitals to group self-insure.

¹⁰ New Mexico—"Group" means a nonprofit unincorporated association consisting of 2 or more public hospital employers or private employers that are engaged in the same or similar type of business as defined by the New Mexico Workers' Compensation Administration Rules (NMSA 52-6-2B).

¹¹ New York—President, secretary, and treasurer of a corporation are criminally liable for failure to obtain coverage and are personally liable for penalties. Corporate officer who failed to obtain insurance is ineligible for benefits out of Uninsured Employers' Fund for self, surviving spouse, or dependents.

¹² North Carolina—All individual and group self-insurers must be members of North Carolina Self-Insurance Guaranty Association as a condition of authority to self-insure.

¹³ Texas—Mandatory for political subdivisions.

¹⁴ Texas—Except for state and political subdivisions. Self-insurance is permitted upon commission's approval of each inquiry.

¹⁵ Washington—Self-insurance permitted for employers who make application, qualify, and are certified by the director. Group self-insurance is permitted for school districts and hospitals.

¹⁶ Wyoming—Coverage is compulsory for extra-hazardous industries and occupations only. Private insurers allowed to write coverage for industries and occupations not considered extra-hazardous; however, only state fund allowed to provide immunity to lawsuit by injured workers.

¹⁷ Manitoba—Employers or industries included in Classes A, B, C, or D are permitted to self-insure. Self-insurers include employers or industries such as railways, provincial and federal governments, airlines, and the largest municipality.

¹⁸ New Brunswick—Subject to approval of Lt. Governor-in-Council, board may make arrangement for insurance or reinsurance.

¹⁹ Ontario—Employers defined as Schedule 2 employers under the Ontario Workplace Safety and Insurance Act are self-insured.

²⁰ Québec—Permitted only for employer operating an interprovincial or international railway transport or shipping firm under the special provisions for employers held personally responsible for the payment of benefits.

Chart II—Coverage of Laws

Employment ¹ Covered				
Jurisdiction	Private	Public	Exceptions ^{2,3}	Special Coverage Provisions
Alabama	Compulsory as to employers of 5 or more. Elective as to partners or sole proprietors. Corporate officers may reject.	Compulsory as to all public employment except municipalities with a population of less than 2,000. Certain school systems and institutions covered. ⁴	Domestic servants and casual employees, owner/operator or leased operator of common carriers engaged in interstate commerce, farm laborers, U.S. and state government.	Voluntary for employers of fewer than 5, including farmers and volunteer fire departments. ⁵
Alaska	Compulsory as to all employment. Executive officers of a for-profit corporation may waive coverage. A nonprofit corporation may elect to cover executive officers. A limited liability company may elect to cover members. A sole proprietor or partnership member may elect coverage.	Compulsory as to all employment. Municipal corporations may elect to cover executive officers.	Part-time babysitters, cleaning persons, harvest help, or similar transient help; entertainers and certain sports officials employed on a contractual basis; commercial fishers; and certain taxicab drivers.	Statutory state employees include high school students during work-study activities; certified, registered volunteer emergency medical technicians when working outside an incorporated city or borough; individuals working as special officers for the Department of Public Safety; board and commission members while working or traveling on board/commission business; certain active, registered civilian volunteers while engaged in an emergency or disaster relief function.
Arizona	Compulsory as to all employment. Elective as to working partners. Employee may reject.	Compulsory as to state, counties, cities, towns, municipal corporations, school districts, and volunteers enumerated by statute.	Domestic servants, casual employees and real estate licensees.	Voluntary as to sole proprietors and employers of domestic servants. Motion picture business employers and employees may be exempt from law, provided equal benefits are provided by insurance in domicile state.
Arkansas	Compulsory as to employers of 3 or more. Partners or sole proprietors may opt out of coverage for themselves only.	Compulsory as to state agencies, departments, institutions, counties, cities, and towns. Excludes workfare recipients and incarcerated prisoners doing work for cities, counties, or the state.	Farm laborers, domestic servants, casual workers, nonprofit religions, charitable or relief organizations, vendors or distributors of newspapers and other publications, qualified real estate agents, and individuals with certificate of noncoverage.	Voluntary as to excepted employment. Compulsory for employments in which 2 or more employees are engaged in building or building repair work, in which 1 or more employees of a contractor who subcontracts any part of a contract, and in which 1 or more employees are employed by a subcontractor.
California	Compulsory as to all employment. Elective as to working members of a partnership, working officers and directors of a private corporation, and members of a limited liability company.	Compulsory as to all public employment except clerks and deputies serving without remuneration, regional occupational centers, and programs or school districts offering training to pupils outside attendance area as well as enrolled pupils.	Charity workers and volunteer workers at camps, etc. operated by nonprofit organizations, employer-sponsored bowling teams, domestics who work less than 52 hours during preceding 90 days or earn less than \$100, and students in sport events (excludes amateur athletic participants who are not employees).	Voluntary as to excepted employment and sponsoring agencies of Economic Opportunity programs. Employer not liable for injury due to off-duty recreational, social, or athletic activity not part of work-related duties. Student apprenticeship programs registered by the Division of Apprenticeship Standards of the Department of Industrial Relations are considered employers of registered student apprentices. Volunteers for state agencies involved in disaster preparedness for the year 2000 are deemed disaster service workers.
Colorado	Compulsory as to all employment. Corporate officers or members of a limited liability company who are 10% shareholders may reject coverage. Elective as to working general partners or sole proprietors.	Volunteers in members of most localities are covered if locality adopts a resolution stating they are covered. Compulsory as to all salaried public employments. Job trainees deemed employees of training institution.	Part-time ⁶ domestic workers; casual farm and ranch employers expending less than \$2,000 per year; Volunteer ski patrol and instructors; independent real estate salespersons and brokers; independent truckers; and persons who perform services for more than 1 employer at a race, meet, or horse track.	All farm laborers covered. Officers of farm corporation may reject coverage.

Chart II—Coverage of Laws, Cont.

Jurisdiction	Employment ¹ Covered		Exceptions ^{2,3}	Special Coverage Provisions
	Private	Public		
Connecticut	Compulsory as to all employment. Corporate officer may reject. Elective as to sole proprietors or partners. ⁷	Compulsory as to state, public corporations, and members of General Assembly. Municipalities may elect coverage of elected and appointed officials, police, and firefighters.	Casual employees, outworkers, domestics employed less than 26 hours weekly, and officers of fraternal organizations paid less than \$100 per year.	Voluntary as to excepted employment.
Delaware	Compulsory as to all employment. Up to 8 corporate officers/stockholders may reject. Sole proprietors, partners, or members of their immediate families may elect to be exempt from coverage.	Elective as to state and certain counties, cities, and towns.	Domestic servants, casual employees earning less than \$750 in 3 months from 1 household, and farm laborers.	Elective as to licensed real estate brokers.
District of Columbia	Compulsory as to all employment.	Separate act is compulsory for all public employment, except officers or employees of the U.S., state, or foreign government, and uniformed DC police or firefighters.	Farm laborers, casual employees, master or crew of any vessel, employees of common carrier by railroad in interstate commerce and commission, and real estate brokers and salespersons that are independent contractors.	Domestic workers covered if employer employs 1 or more for 240 hours or more in a calendar quarter. Act applies to injuries occurring outside of DC if the employment is principally localized in DC.
Florida	Compulsory as to employers of 4 or more; 1 or more in construction or construction-related trades. Elective as to corporate officers, but officers of a construction-related corporation or limited liability company may elect exemption from coverage for up to 3 officers.	Compulsory as to state and political subdivisions (includes volunteers), except elected officials.	Domestic servants, casual employees, 12 or fewer casual or 5 or fewer regular farm laborers, professional athletes, owner/operator of a motor vehicle who is under written contract with a motor carrier and assumes all responsibility for carrying out that contract, and volunteers (except government entities but including volunteer firefighters).	Voluntary as to excepted employment. Excludes real estate salespersons solely on commission. When a contractor sublets part of his contract, the contractor is responsible for securing and paying coverage for subcontractor, unless the subcontractor has insurance or is exempt.
Georgia	Compulsory as to all employers of 3 or more. Elective as to active partners, sole proprietors, or farm laborers.	Compulsory as to state, county, and municipal corporations and political subdivisions, including school districts. Voluntary as to planning commissions.	Farm laborers, domestic servants, employees of common carriers by railroad, casual laborers, and licensed real estate salespersons and brokers.	Voluntary as to excepted employment.
Hawaii	Compulsory as to all employment for pecuniary gain. Compulsory as to all out-of-state employers who work in the state.	Compulsory as to all public officials, elected or appointed. Covers public board members.	Volunteers of religious, charitable or nonprofit organizations; domestics who earned less than \$225 during each quarter in the preceding year; unpaid corporate officers with more than 25% of shares of a corporation with no employees; individual with 50% or more shares of corporation; and real estate salespersons who perform services for others and are compensated solely by way of commission.	Voluntary as to employment not defined as industrial.
Idaho	Compulsory as to all employment unless specifically exempt.	Compulsory as to all public employment, except officials at secondary school athletic contests. Members of Idaho National Guard are covered under state law if not covered under federal law.	Domestic and casual workers; parents, children, or grandchildren of sole proprietor and spouse; ⁸ sole proprietor and indwelling household members; employment not for pecuniary gain; partners and members of limited liability company; corporate officers; ⁹ employment covered under federal law; pilots of agricultural spraying planes; real estate brokers paid entirely on commission; volunteer ski patrollers; and officials of athletic contests involving secondary schools.	Employees in state who work for employers domiciled in another state are covered. Credit is provided for benefits paid to employees under the law of other states.

Chart II—Coverage of Laws, Cont.

Jurisdiction	Employment ¹ Covered		Exceptions ^{2,3}	Special Coverage Provisions
	Private	Public		
Illinois	Compulsory as to enumerated extra-hazardous employment (including occupational diseases).	Compulsory as to all public employment, except members of fire and police departments in cities with population of more than 200,000 and such firefighters covered to extent of burn-related disfigurement. Townships may elect coverage to participants in job training or work programs.	Certain farm laborers, domestics, and persons not in usual course of employer's business and real estate brokers and salespersons paid by commission only.	Voluntary as to excepted employment. ¹⁰ Corporate officers of any domestic or foreign corporations, partners and sole proprietors, and members of limited liability corporations may elect to withdraw from coverage.
Indiana	Compulsory as to all employment, including corporate officers. Elective as to sole proprietors, partners, and members/managers of limited liability companies.	Compulsory as to state, municipal corporations, and political subdivisions; includes state legislators and elected and appointed officials. Volunteers working as authorized emergency management workers or for hazardous materials response teams and police reserves may be covered.	Farm laborers, domestic servants, casual workers, railroad workers, youth coaching volunteers with qualified nonprofits, and licensed real estate professionals.	Compulsory as to coal mining and for students in cooperative education. Elective for officers of charitable, religious, educational, or nonprofit corporations.
Iowa	Compulsory as to all employment, but up to 4 corporate officers may reject. Elective for proprietors and working partners.	Compulsory as to all public employment, except firefighters and police officers entitled to pension fund. Covers highway safety patrol officers, conservation officers, criminal defendants while performing unpaid community service or other services, and agricultural workers at state universities.	Domestic and casual workers earning less than \$1,500 in the 12 consecutive months preceding an injury and farm laborers, if employer payroll under \$2,500 per year.	Voluntary as to excepted employment. Persons receiving employment training or evaluations in an approved facility are covered for PP or PT disabilities. Under certain conditions, truck owner/operators and real estate agents are considered independent contractors and are required to maintain own coverage.
Kansas	Compulsory as to all employment, including corporate executives. Elective as to partners, individuals, or self-employed.	Compulsory as to all public employment. Members of firefighter's relief associations may elect to accept or reject coverage. Public agencies or entities may elect coverage for persons sentenced to community service.	Farm labor or any employer whose gross annual payroll is not more than \$20,000; real estate brokers and real estate salespersons on commission.	Compulsory as to charitable institutions. Voluntary as to excluded employments. Labor unions and associations may elect coverage for their members who perform services and are not full-time employees.
Kentucky	Compulsory as to all employment, including corporate executives. Elective as to owner of business or partner. Worker may reject voluntarily prior to injury.	Compulsory as to state and political subdivisions, including elected and appointed state officials; employees of the General Assembly; and volunteer ambulance, fire, and police personnel.	Domestic servants if employer employs fewer than 2, each regularly employed 40 hours a week; casual workers employed less than 20 consecutive work days; agricultural laborers; workers for charitable or religious organizations in return for aid or sustenance; participants in carpools to and from work; and members of any religious group conscientiously opposed to acceptance of public or private death, retirement, disability, or medical expense payments (including Social Security) and has for more than 10 years made provisions for its dependent members.	Specifically covers newspaper carriers and members of volunteer ambulance service, fire, or police departments. Voluntary as to excluded employments.
Louisiana	Compulsory as to all employment, including corporate executives. Corporate officers who are 10% shareholders, partners, and sole proprietors may reject.	Compulsory as to all public employment, except sheriffs' deputies and officials. Subdivisions may cover elective and appointive officials. Coverage for volunteer firefighters is elective.	Crews of cropspraying aircraft while acting as contractors or employees of persons principally engaged in agriculture, real estate brokers and salespersons, domestic workers, and certain farm workers.	Excludes officers of nonprofit charitable, fraternal, cultural, or religious corporations or associations. Musicians pursuant to a service contract are exempt from coverage.

Chart II—Coverage of Laws, Cont.

Jurisdiction	Employment ¹ Covered		Exceptions ^{2,3}	Special Coverage Provisions
	Private	Public		
Maine ¹¹	Compulsory as to all employment, including corporate executive officers. Corporate officers who are 20% shareholders may reject. Elective as to self-employed persons or partners, except for persons engaged in wood harvesting.	Compulsory as to state, counties, cities, towns, and quasi-municipal corporations. Includes volunteer firefighters, police, emergency medical service personnel, and certified search and rescue workers.	Domestic workers, seasonal or casual agricultural or aquacultural employees; ¹² maritime employees in interstate or foreign commerce; commission-paid real estate salespersons or brokers who are independent contractors; employees harvesting 150 cords of wood from farm woodlot; independent contractors; voluntary participants in employer-sponsored athletic events; and elected or appointed executive officers of a charitable, religious, educational, or other nonprofit corporation.	Voluntary as to excepted employment and persons engaged in wood harvesting. Parent, spouse, or child of sole proprietor; partner or corporate officer who is a 20% shareholder; or shareholders of a professional corporation may reject coverage.
Maryland	Compulsory as to all employment, including corporate officers. Elective as to partners or sole proprietors. Corporate officers with 75% of income from farm operations and who own at least 20% of the outstanding capital stock of the corporation; officers owning 20% of the outstanding capital stock of a professional services corporation; and officers of a statutory close corporation and of a limited liability company with 20% profit interest may elect to be exempt.	Compulsory as to state, counties, cities, and their agencies; paid firefighters in certain counties; prisoners working for county roads boards; forest wardens; jockeys; ¹³ crewpersons and firefighters for Department of Forest and Parks; jurors for nonfederal courts; state militia during both training and active duty.	Domestic workers who earn less than \$750 in cash in a calendar quarter from a household; certain maintenance workers not employed for 30 consecutive days around a private home; seasonal, migratory farm laborers within 25 miles of residence who work no more than 13 weeks a year and who do not operate machinery or equipment; farmers who employ fewer than 3 or have a full-time payroll less than \$15,000; commission-paid real estate salespersons or brokers and independent contractors and owners/operators of Class F tractors who are under agreement with a motor carrier.	Voluntary as to excepted employment. Officers of close corporation may reject. Small employers of farm laborers may be insured under a group policy. Certain volunteer firefighters and paramedics may be covered. A principal contractor is not liable to pay workers' compensation to an individual who is a sole proprietor subcontractor if the individual does not notify the principal contractor of the individual's status as a covered employee and does not elect to be a covered employee.
Massachusetts	Compulsory as to all employment.	Compulsory as to state. Elective as to counties, cities, and districts having power of taxation. Municipalities require indemnifying police and firefighters. Cities and towns may cover certain elected or appointed officials.	Masters and seamen in interstate commerce covered by federal law, athletes whose contracts provide wages during job disability, commission-paid salespersons, and independent taxi drivers.	Elective for domestic servants working less than 16 hours per week.
Michigan	Compulsory as to all employers of 3 or more; fewer than 3 if 1 is employed for 35 hours per week for 13 weeks by same employer. Elective as to corporate officers who are 10% shareholders (up to 10 shareholders) and owners of limited liability companies with 10 or fewer members.	Compulsory as to all public employment. Trainees in federally funded training programs deemed employees of sponsoring public entity.	Professional athletes whose AWW is more than 200% of the statewide AWW, domestic servants who work less than 35 hours a week for 13 weeks a year, and licensed real estate salespersons.	Voluntary as to employers of 2 or fewer and as to domestic servants. Family members may be excluded by endorsement.
Minnesota	Compulsory as to most employment. Elective as to family farms. Elective as to the following (and their families), if there are not other employees: partners, some officers of some closely held corporations, and some managers of some limited liability companies.	Compulsory as to all public employment. Separate subdivision concerning elective and appointed officials of government.	Household workers who earn less than \$1,000 per 3 months from 1 private household, family farms with prior annual farm labor payroll under \$8,000, ¹⁴ railroad workers covered by federal law, nonprofit corporations with annual payroll less than \$1,000, and certain casual labor not in the course of employer business. ¹⁵	Specifically covers voluntary first responders, members of law enforcement assistance organizations, and voluntary civil air patrol members rendering service under supervision and authority of the state or its political subdivisions.
Mississippi	Compulsory as to all employers of 5 or more. Corporate officers may reject. Sole proprietor, partner, or employee owning 15% or more stock may reject.	Compulsory as to all public employment, including subdivisions of the state. Specifically excludes people with disabilities in state sheltered workshop programs.	Domestic servants; farmers; farm laborers; newspaper distributors; nonprofit charitable fraternal, cultural, or religious corporations or associations; and independent contractors.	Voluntary as to exempt employers.

Chart II—Coverage of Laws, Cont.

Jurisdiction	Employment ¹ Covered		Exceptions ^{2,3}	Special Coverage Provisions
	Private	Public		
Missouri	Compulsory as to all employers of 5 or more and construction industry employers of 1 or more. Elective as to partners, sole proprietors, and corporations with 2 owners who are also the only 2 employees. ¹⁶	Compulsory as to all public employment, including elected and appointed state officials, contractors of a public corporation, state militia, sheriffs and deputy sheriffs, and workers on state welfare projects under the Federal Economic Opportunity Act.	Farm laborers; domestic servants; occasional labor for private households; qualified real estate agents; members of employer's family by marriage or consanguinity; inmates confined to a state prison, penitentiary, county, or municipal jail; residents of mental health facilities; unpaid volunteers of a tax-exempt organization; inter-scholastic and other youth programs; sports officials; and contest workers.	Voluntary as to excepted employment, employers of fewer than 5 employees, and salaried officers of Missouri farm corporations.
Montana	Compulsory as to all employment. Elective as to partners, sole proprietors, members of member-managed limited liability companies, companies, and corporate officers who are 20% or more shareholders.	Compulsory as to all public employment, including public contractors and volunteer rescue workers.	Domestic and casual employment; employers covered by federal law; persons working under an independent contractor exemption certificate; persons performing services for aid and sustenance only; officials at amateur athletic events; real estate brokers and salespersons; direct sellers of consumer goods; newspaper carriers and freelance correspondents; cosmetologists and barbers; sole proprietors, working partners, or working members of a member-managed liability company; employment with a railroad engaged in interstate commerce; tribal members; companionship services; respite care; racing jockeys; employer's spouse if exempted under 26 USC 7703; petroleum land professionals; corporate officers; and clergy.	Coverage is mandatory for partner or sole proprietor who is an independent contractor, but may apply for personal exemption. Voluntary as to excepted employment.
Nebraska	Compulsory as to all employment. Elective as to executive officers of Nebraska corporations that own 25% or more of the corporation's common stock and proprietors, partners, self-employed executive officers, and limited liability company members of Nebraska nonprofit corporations who receive annual compensation of \$1,000 or less.	Compulsory as to all employment, including officials—elected or appointed—for fixed terms.	Farm labor when performed for an employer who is engaged in an agricultural operation and employs only related employees; farm labor if performed for an employer who is engaged in an agricultural operation and employs unrelated employees unless the employer, during any calendar year, employs 10 or more unrelated full-time employees, whether in 1 or more locations, on each working day for 13 calendar weeks, whether or not such weeks are consecutive ¹⁷ ; and domestic servants.	Voluntary as to farm labor and domestic service.
Nevada	Compulsory as to all employment. Elective as to sole proprietors and partners. An officer or manager of a corporation may elect to reject coverage for himself or herself. Elective coverage is available for nonpaid family member and all statutorily excluded employment.	Compulsory as to all public employment, including public contractors; unpaid members of state departments, boards, commissions, agencies, or bureaus appointed by a statutory authority; and members of local bands and orchestras.	Farm laborers; domestic servants; casual employees; employees engaged without pay in employer's social or athletic events; persons selling or soliciting products in person or by telephone; voluntary ski patrol; clergy, rabbis or lay readers; stage entertainers; certain musicians and sports officials; and real estate licensees. Exemption for employees temporarily in state if their state has reciprocity with Nevada. (NRS 616B.600)	Voluntary as to exempt employment. Coverage is mandatory for certain statutorily identified paid or nonpaid employees or volunteers. Injured employee may elect compensation if mandated employer is uninsured. Exemption for an employee temporarily in the state if that state has reciprocity with Nevada. Consolidated insurance programs are allowed. (NRS 616B.710)

Chart II—Coverage of Laws, Cont.

Jurisdiction	Employment Covered		Exceptions ^{1,2}	Special Coverage Provisions
	Private	Public		
New Hampshire	Compulsory as to all employment. Elective as to partners, sole proprietors, and fewer than 4 corporate officers.	Compulsory as to all public employment.	Railroad workers covered under FELA (Jones Act).	
New Jersey	Elective as to all employment.	Compulsory as to all public employment.	Casual workers, maritime workers, and railroad workers engaged in interstate commerce.	Elective as to certain volunteers specifically designated by statute.
New Mexico	Compulsory as to employers of 3 or more and employers licensed under the Construction Industries Licensing Act. Corporate officers who are 10% shareholders may reject but are still considered employees for determination of coverage. Elective as to partner or self-employed.	Compulsory as to state, counties, cities, and towns; drainage, irrigation, conservancy, or school districts; public institutions or administrative boards. Includes elected or appointed officials.	Farm or ranch laborers, domestic servants, casual employees, and real estate salespersons.	Voluntary as to farm labor, domestic service, and where fewer than 3 are employed. Compulsory for charitable organizations employing more than 3 workers.
New York	Compulsory as to all employment. Elective as to partner or self-employed; sole shareholders or officers and 2 sole shareholders or officers; unsalaried executive officers of nonprofit unincorporated associations or corporations; and executive officers of religious, charitable, veterans', or educational corporations.	Compulsory as to state and subdivisions when worker is engaged in hazardous occupations enumerated. Covers school aides and public school teachers in districts outside New York City. Voluntary as to municipal corporations in nonhazardous employments.	Farm laborers if payroll during prior year was less than \$1,200; volunteer workers who are not considered employees under the law; domestic workers not employed by the same employer at least 40 hours per week; teachers or nonmanual laborers for religious, charitable, or educational institutions; certain real estate salespersons, sole shareholder officers, and 2 shareholders/officers who have no other employees; babysitters under 18; casual employment or repairs in or about a one-family owner-occupied residence; real estate brokers and insurance agents or brokers; and casual employment.	Voluntary as to excepted employment and for certain employment in fulfillment of probationary sentence. Jockeys covered by the NY Jockey Injury Compensation Fund. Special groups of volunteers who are injured in the line of duty are covered under a separate Volunteer Ambulance Workers' Benefit Law or Volunteer Firefighter Benefits Law. Black Car Operators are covered under the NY Black Car Operators Injury Compensation Fund.
North Carolina	Compulsory as to all employers of 3 or more and all employment with exposure to radiation. Corporate officers count toward total number of employees, but may reject. Elective as to partner or sole proprietor.	Compulsory as to public employment, public and quasi-public corporations, and elected officials.	Farm laborers, domestic servants, casual workers, railroad workers, voluntary ski patrol persons, individual sawmill or logging operators with fewer than 10 employees who operate less than 60 days over a 6-month period.	Voluntary as to casual employees, domestic servants, and employers of fewer than 3 employees. Compulsory as to agricultural employers with 10 or more full-time nonseasonal workers. Contractor must certify that their subcontractor has secured compensation. If subcontractor has no employees, coverage may be waived.
North Dakota	Compulsory as to all hazardous employment. Elective as to employers and resident family members.	Compulsory as to all public employment.	Farm laborers, domestic servants, members of board of directors of business corporations, casual workers, illegal enterprises or occupations, clergy, and real estate brokers or salespersons and newspaper delivery personnel with written agreements defining them as independent contractors.	Voluntary as to nonhazardous and excepted employment. General contractor is responsible for securing coverage and paying premiums for its subcontractor until subcontractor has secured and paid for own coverage. Injuries caused by intoxicants are not compensable.

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Chart II—Coverage of Laws, Cont.

Jurisdiction	Employment ¹ Covered		Exceptions ^{2,3}	Special Coverage Provisions
	Private	Public		
Ohio	Compulsory as to all employment. Elective as to partners, sole proprietors, and individuals incorporated as a corporation.	Compulsory as to state, counties, cities, townships, incorporated villages, and school districts.	Casual and domestic workers paid less than \$160 by 1 employer in any 3-month period.	Elective as to officers of family farm corporations and for ordained or licensed ministers in the exercise of their ministry. Coverage provided for off-duty firefighters, peace officers, and emergency medical technicians who respond to inherently dangerous situations that call for an immediate response—regardless of jurisdiction of the person's regular employment.
Oklahoma	Compulsory as to all employment. Elective as to 10% shareholders, partners, sole proprietors, and members of a limited liability company who own at least 10% of capital.	Compulsory as to state, counties, cities, municipalities and their instrumentalities, and public trusts of which there are beneficiaries.	Domestic and casual employees of homeowners whose annual payroll is less than \$10,000, workers covered by federal law, agricultural/horticultural employees whose employer's annual payroll is less than \$100,000, real estate salespersons and brokers paid on commission, owner-operator truck drivers, youth sports leagues that qualify for federal income tax exemptions, employers with 5 or fewer employees all related to employer by blood or marriage, providers of services in medical care or social service programs, and participants in work or training programs of the Department of Human Services.	Excludes certain persons sentenced to public service or assigned to work release or private prison industry programs and volunteers who receive no wages other than meals.
Oregon	Compulsory as to all employment. ¹⁸ Elective as to sole proprietors, partners, limited liability company members, some corporate officers who are also directors with a substantial ownership interest, and excepted employment.	Compulsory as to state, department, cities, towns, and other political subdivisions. Covers volunteer trainees in state schools for the deaf and blind. Excludes cities with population of more than 200,000 with equivalent compensation.	Domestic and casual labor, interstate transportation, certain charitable or relief work, newspaper carriers, certain amateur athletes and sports officials, volunteer ski patrols and volunteers in the ACTION Program, personnel under federal permits, owners and operators of certain motor vehicles, commission-paid real estate agents, foster care providers, and golf caddies in an established training program.	Prime contractors liable for providing coverage for subcontractors and their employees. Liability in the construction industry is exempt if subcontractor is licensed with the Construction Contractor's Board.
Pennsylvania	Compulsory as to all employment. Elective as to executive officers (defined as either individuals who have either ownership interest in a subchapter S corporation, or at least 5% ownership interest in a subchapter C corporation, or who serve without pay in a nonprofit corporation).	Compulsory as to all employment. Elective as to executive officers.	Agricultural workers, unless the employer is otherwise covered or pays wages of \$1,200 or more in 1 year to 1 employee or employs 1 worker in 1 year for 30 or more days; spouse or children under 18 years of agricultural employers, unless they work under a written contract filed with the bureau; licensed real estate salespersons or licensed insurance agents. ¹⁹	Voluntary as to casual and domestic service. Employers may be exempt from covering an employee whose religious sect prohibits benefits, provided sect makes provisions for its members.

Chart II—Coverage of Laws, Cont.

Jurisdiction	Employment ¹ Covered		Exceptions ^{2,3}	Special Coverage Provisions
	Private	Public		
Rhode Island	Compulsory as to all employers of 1 or more employees. Corporate officers (as defined by the department) are included. Sole proprietors and partners are excluded.	Compulsory as to the state and city of Providence; elective as to cities or towns. ²⁰	Certain agricultural and domestic service, professional hockey teams, and certain real estate persons.	Voluntary as to certain agricultural and domestic service. Excludes employer-sponsored social or athletic events.
South Carolina	Compulsory as to all employers of 4 or more, full time or part time. Elective as to partners and sole proprietors. Corporate officers are included unless they reject.	Compulsory as to all public employment, except elected and appointed officials. Coverage extended to members of the state and National Guard.	Casual employees, persons engaged in selling agricultural products, farm laborers, railroads, express companies, state and county fair associations, employers with annual payroll less than \$3,000, and licensed real estate agents who are independent contractors working on straight commission and working for a broker that does not control the agent.	Voluntary as to excluded employment and corporate officers. Department of Parole and Community Corrections may elect coverage for convicted persons performing community service or participating in a work program.
South Dakota	Compulsory as to all employment. Elective as to employer performing labor incidental to job.	Compulsory as to all public employment, except elected or appointed officials. Firefighters covered. Subdivisions of state may elect to cover elected and appointed officials. Students in vocational work programs covered.	Farm laborers and domestic servants if employed less than 20 hours in any week and less than 6 weeks in any 13-week period, workfare participants, and truck drivers who are independent contractors certified by the Labor Department.	Voluntary as to farm labor and domestic service. Compulsory as to operators of farm machinery.
Tennessee	Compulsory as to all employers of 5 or more. Corporate officers may reject. Elective as to partners and sole proprietors.	Voluntary as to state and political subdivisions.	Farm laborers, domestic servants, casual employees, employees of interstate common carriers, and voluntary ski patrol persons.	Subcontractors and construction industry covered even if fewer than 5 employees. Voluntary as to employers of fewer than 5. Voluntary as to agricultural employers.
Texas	Elective as to all employment. Farm/ranch operators may elect to cover self, partner, corporate officers, or family members.	State provides self-insurance coverage for Texas Department of Transportation, University of Texas, Texas A&M University, Texas Tech University, and all state employees. Counties, municipalities, and other political subdivisions may provide compensation for their employees through commercial coverage, self-insured, or interlocal agreements.	Domestic or casual workers engaged in employment incidental to a personal residence, persons covered by a method of compensation established under federal law, and qualified farm and ranch employees.	
Utah	Compulsory as to all employment. Elective as to partners, sole proprietors, corporate officers, and directors (which are covered unless they opt out).	Compulsory as to all public employment, including community service workers and volunteers. ²¹	Casual employees, farm employers with payroll of \$50,000 and above per calendar year, employer or owner's family, domestics who work fewer than 40 hours per week for a single employer, real estate salesperson or brokers, and insurance brokers and agents who are independent.	Voluntary as to farm labor less than \$8,000 in payroll and domestic service less than 40 hours per week.
Vermont	Compulsory as to all employment. Department of Labor may exclude corporate officers. Elective as to sole proprietors and partners by application.	Compulsory as to all public employees. ²² Excludes elected public officials, sheriffs and other identified officials or prisoners.	Casual or domestic employees, amateur athletes, and farm laborers where employer's payroll is less than \$10,000 per year.	Voluntary as to excepted employment.

Chart II—Coverage of Laws, Cont.

Jurisdiction	Employment ¹ Covered		Exceptions ^{2,3}	Special Coverage Provisions
	Private	Public		
Virginia	Compulsory as to employers of 3 or more and farm employers with more than 2 full-time employees. Elective for partners and sole proprietors. Corporate officers may reject for accidental injury only.	Compulsory as to all public employment. Includes judges of Supreme Court and Circuit Court and judges and clerks of juvenile, domestic relations, and district courts. May include volunteer hazardous materials emergency response teams. Elective as to counties and administrative officers and employees elected or appointed for definite terms.	Casual employees; horticultural and farm laborers; taxi drivers and domestic servants; employees of railroads; employment not in usual course of employer's trade, business, or occupation; and real estate salespersons or associated brokers on commission, under independent contract, or not treated as employees for federal income tax purposes.	Voluntary as to employers of fewer than 3 employees, farm laborers, and domestics. Employers may elect coverage for their independent contractors provided that the independent agrees in writing. The independent contractor may have to pay for all or part of that coverage. Alien workers, whether lawfully or unlawfully employed, are covered for temporary total benefits (except vocational rehabilitation services if not eligible for employment). —
Washington	Compulsory as to all employment. Elective as to partners, sole proprietors, joint venturers, corporate officers who are shareholders or directors, and most workers listed as exceptions.	Compulsory as to all public employment.	Domestic servants; room repairers; gardeners in private homes; voluntary law enforcement officers; railroad workers; volunteers in charitable organizations (entitled to medical aid coverage only); children under 18 on a family farm; jockeys; newspaper carriers; booth renters; and insurance agents, brokers, or solicitors.	Covers apprentices registered with Apprenticeship Council. Excludes purchaser of contracts for musical or entertainment performance.
West Virginia	Compulsory as to all employment. Sole proprietors, partners, and limited officers may opt out of coverage.	Compulsory for all public employment. Elected officials may opt out of coverage.	Sole proprietors, partners, and limited officers; employers of 5 or fewer full-time employees in agricultural service; employers of domestic servants; employers of casual employees; churches; employers engaged in organized professional sports activities; and certain volunteer groups organized under government entities or political subdivisions, such as rescue squads, emergency medical services, and police auxiliary units.	Extraterritorial coverage extended to employees of West Virginia employers working out-of-state for a limited time, dependent on the coverage requirements of the other state. Where contracts of hire have been entered into by an out-of-state employer and its regular employees and consummated in a state other than West Virginia, the commission will respect the extraterritorial workers' compensation coverage of the employer for a temporary period not exceeding 90 days. Employees of out-of-state employers whose contracts of hire are consummated in West Virginia or who are hired to work specifically in West Virginia are required to be covered.
Wisconsin	Compulsory as to all employment (except farm labor) if payroll is \$500 or more in any calendar quarter for services in the state. Compulsory as to farmers with 6 or more employees who work 20 or more days.	Compulsory as to all employees, including state legislators. Includes certain vocational education students.	Domestic servants and casual employees.	Voluntary as to excluded employment. Elective as to working sole proprietors, partners, and members of limited liability companies for up to 2 corporate officers in closely held corporation. Includes participants in community work experience program. Independent contractors are considered employees of any employer for whom they are working, except when the independent meets certain enumerated conditions.

Chart II—Coverage of Laws, Cont.

Jurisdiction	Employment ¹ Covered			Special Coverage Provisions
	Private	Public	Exceptions ^{2,3}	
Wyoming	Compulsory as to enumerated extra-hazardous industries and occupations conducted for gain. Elective as to corporate officers.	Compulsory as to all state employees (including employees of the University of Wyoming), counties, and municipal corporations when engaged in extra-hazardous work.	Casual employees, independent contractors, private household workers, federal employees, interstate trucking without a fixed base in Wyoming, and sole proprietors and partners.	Elective as to all nonrequired industries and occupations. Specific volunteers require coverage.
American Samoa	Compulsory. Elective as to employers with fewer than 2 employees ("minor employers").	Compulsory as to all public employment.		If employee of "minor employer" files a written complaint that such employer is engaging in an occupation that is hazardous to the employees, the employer has to appear and show cause to the commission as to why he should not be liable for such coverage.
Guam	Compulsory as to all employment for pecuniary gain.	Compulsory as to all work done for the government or any political subdivision.	Casual laborers and members of the board of education.	All contracts of hire in the territory for work outside of the territory are presumed to allow remedies.
Puerto Rico	Compulsory as to all employment.	Compulsory as to all salaried and voluntary public employment. Voluntary workers for the government or one of its agencies or subdivisions are considered employees and have the right to full benefits. Small-scale farmers whose gross income does not exceed \$25,000 have the right to receive medical treatment without compensation for accidents occurring at their place of employment if they are registered with the fund.	Casual and domestic workers.	Voluntary for sole proprietors and their families when supervising or engaging in manual labor in their business or farm and industrial partners of a private society. Independent contractors who are not employers may be considered employees when performing services inherent or indispensable for the principal's line of business.
Virgin Islands	Compulsory as to all employment. Elective as to partners and sole proprietors.	Compulsory as to all public employment.	Casual and domestic employees and volunteers for charitable organizations.	Voluntary as to exempt employers and employees.
FECA		All civil employees of the U.S. government, including wholly-owned instrumentalities.		
Longshore Act	Compulsory as to all maritime employment nationwide, including longshoring, harborworking, shipbuilding, and ship repair.	Officers and employees of the U.S. or any state or foreign governments are not covered.	Master or crew of any vessel and persons unloading or repairing vessels of less than 18 tons. ²³ Not applicable to maritime employment in Puerto Rico. ²⁴	Act also applies to workers at military bases and public works abroad, welfare and morale service workers for military abroad, and workers for nonappropriated funds (ship's services, PX's, etc.) in U.S. and abroad.
Alberta	Compulsory as to all nonexempt employment. Elective as to corporate directors, employers, partners, and sole proprietors.	Compulsory as to provincial employees. Most schoolteachers exempt.	Farm laborers, domestics, outworkers, financial institutions, religious and charitable institutions, legal services, medical and dental services, athletes, and employees of labor unions.	Voluntary as to excepted employment and corporate directors. Board may include any individual or class by order.
British Columbia	Compulsory to all nonexempt employment. Employers, independent operators, the employed spouse of a proprietor, or an exempt nonresident may apply for personal coverage.	Compulsory as to all federal, provincial, and municipal employees, including members of fire brigade and ambulance staff working with or without remuneration.	Consulates and trade delegations from foreign countries, some air transportation firms from outside of British Columbia, the Armed Forces, RCMP, elected officials, certain order-in-council appointments, professional athletes, personal financial-holding companies, spouses involved in an unincorporated business, some nonresident employers and workers, and some domestic workers. Variances from exemption may be requested in certain circumstances.	Board may include persons engaged as commercial fishers, in an undertaking in the public interest, in vocational or training programs, or in a work study program or other program of self-improvement involving work; inmates in work release programs; or forest firefighters.

Chart II—Coverage of Laws, Cont.

Jurisdiction	Employment ¹ Covered		Exceptions ^{2,3}	Special Coverage Provisions
	Private	Public		
Manitoba	Compulsory as to all nonexempt employment. Employers, directors, and independent contractors may apply for personal coverage. Exempt industries may apply for voluntary coverage.	Compulsory as to municipal, provincial, and federal workers. Elective for industries or employers on reserve land and workers in educational institutions.	Outworkers and persons whose employment is of a casual nature and who are employed otherwise than for the purposes of the employer's trade or business.	Voluntary as to nonprofit and charitable organizations and individuals participating in work experience or job training programs. Compulsory for domestics and individuals who care for children or the aged, infirm, or ill persons for more than 24 hours a week. Lieutenant Governor-in-Council may exclude an industry, employer, or workers.
New Brunswick	Compulsory to all employers having 3 or more workers; 25 or more for the fishing industry. Elective for nonsalaried officers and directors and for employers for whom coverage is not compulsory.	Compulsory to all municipal, provincial, and federal public employment. Armed Forces and RCMP excluded.	Outworkers, domestic servants, and casual workers whose employment is for the purpose of the industry and persons playing a professional sport.	Voluntary as to excepted employment; Lieutenant Governor-in-Council may regulate exclusion of industry in which not more than stated number of workers fixed by regulation are usually employed.
Newfoundland and Labrador	Compulsory as to all employment, except as excluded by regulation.	All provincial and federal employees are covered.	Employment by a person in construction or renovation of a private residence that is or shall be used as a private residence of that person, employment by a person in a function in a private residence of that person, and professional sports competitors.	Commission may accept excluded employer or worker.
Northwest Territories and Nunavut	Compulsory as to all employment. Elective as to self-employed persons and directors of a corporation.	Compulsory as to all territorial and municipal employment.		Commissioner may exempt an industry, employer, or worker. Voluntary as to excepted employment.
Nova Scotia	Compulsory as to employment listed in regulations. Employers of 2 or fewer exempt, including active corporate executives. Employer may elect coverage for self.	Firefighters and police are excluded from mandatory coverage but may apply for voluntary coverage.	Casual laborers (when they are employed other than for the purpose of the employer's trade or business), outworkers, servants, farm laborers, educational institutions, persons in medical work and dental surgery, veterinarians, athletes, barbers, taxicabs, florists, horticultural employment, and entertainers.	Voluntary as to excepted employments. Board may include or exclude any industry or set numerical exemption by regulation.
Ontario	Compulsory as to all employment listed in Schedules 1 and 2. Elective as to independent operators, sole proprietors, partners, and corporate officers.	Compulsory as to all provincial and municipal employment, as well as related agencies, boards, and commissions.	Casual workers, outworkers, and most volunteer workers in industries listed in Schedules 1 and 2.	Voluntary as to unenumerated and excepted employment. Special provisions exist regarding unpaid training participants and voluntary emergency workers.
Prince Edward Island	Compulsory as to all employment. Elective as to corporate officers.	Compulsory except for elective officials of a city, town, or municipality.	Outworkers; artists; entertainers; volunteer workers; taxi drivers; farming and fishing; performers; circus operations; traveling shows; trade shows; clergy; demonstrators or exhibitors; persons employed in a private residence; newspaper and other publications' delivery persons; sports professionals, players, instructors, and coaches; peddlers or door-to-door salespersons; and salespersons not restricted to selling goods for one manufacturer or supplier (except where the occupation is carried on as part of an industry to which the Workers' Compensation Act applies).	Voluntary as to excepted employment. The board may include any excepted industry.

Chart II—Coverage of Laws, Cont.

Jurisdiction	Employment ¹ Covered		Exceptions ^{2,3}	Special Coverage Provisions
	Private	Public		
Québec	Compulsory as to all employment.	Compulsory as to all provincial and municipal employment.	Domestics ²⁵ , sole proprietors, and corporate officers covered upon request. Persons who play sports as main source of income specifically excluded.	Voluntary as to unenumerated and excepted employment.
Saskatchewan	Compulsory as to all employment.	Compulsory as to all provincial and municipal employment. Municipalities and corporations may elect coverage of mayor and members of governing bodies.	Over 30 specific industries and occupations excluded, including farm and ranch laborers, domestic servants, outworkers, and schoolteachers.	Voluntary as to excepted employment. Lieutenant Governor-in-Council may exclude any industry, employer, or worker.
Yukon Territory	Compulsory as to all employment.	Compulsory as to territorial government.	Persons acting in a religious function as clerics, members of a religious order, or lay readers; persons working and residing outside of the Yukon and having temporary business in the Yukon; workers of another employer; sole proprietors; casual employees covered by their employer; and outworkers.	Voluntary as to excepted employment.
Canadian Merchant Seamen's Act	Compulsory as to all employees of Canadian registered ships, as defined.		Pilots, apprentice pilots, and fishermen.	No compensation payable, if entitled under Government Employees' Compensation Act or any provincial act.

Notes

¹ Compensation laws are classified as compulsory or elective. A compulsory law requires every employer to accept the act and pay the compensation specified. An elective act is one in which the employer has the option of either accepting or rejecting (in general, companies are included under the compulsory act unless they opt out), but if an employer rejects the customary common law defense, risk is assumed by employee, negligence of fellow servants, and contributory negligence. In most states, workers in exempt employment may be brought under coverage of the act through voluntary action of the employer. In other states, the employees must agree to such action of the employer. State courts vary in decisions whether minimum of persons must be in state.

² Applies to private employment only. Exceptions for public employment are under "Employment Covered—Public."

³ Outworker is a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, repaired, or adapted in his/her own home or on other premises not under the control or management of the person who gave out the articles or materials.

⁴ Alabama—Employees of all county and city boards of education, Alabama Institute for the Deaf and Blind, and 2-year colleges under state

Board of Education control. Special act covers employees of U.S.S. Alabama Battleship Comm. and authorizes excess medical care benefits up to \$10,000 per employee. Special acts also cover employees of Department of Agriculture and employees of Tannehill Furnace and Foundry Commission.

⁵ Alabama—Employer electing not to accept coverage must notify each employee in writing. Regular employer of a volunteer firefighter or rescue squad worker is in no way liable for compensable injury.

⁶ Colorado—Less than 40 hours and 5 days per week.

⁷ Connecticut—Nonmembers of a civil preparedness force and volunteer firefighters who are requested by a municipality to aid in an emergency situation are covered under the workers' compensation laws of the municipality where the injury occurs and under the laws where their company is located.

⁸ Idaho—Declaration must be filed with commission.

⁹ Idaho—Must be board member (if board exists) and own at least 10% of all issued voting stock.

¹⁰ Illinois—Law is elective as to private employments of a nonhazardous nature, but it does not abrogate the employer's defenses if the employer does not accept the act and thus is

considered to be voluntary.

¹¹ Maine—No compensation allowed if injury or death of employee is brought about by willful intention of self or another, or by intoxication while on duty.

¹² Maine—Employers of 6 or fewer full-time agricultural or aquacultural employees for all 52 weeks immediately preceding the injury exempt if employer maintains liability insurance policy with limits of at least \$100,000 per employee and medical coverage of at least \$5,000.

¹³ Maryland—Jockeys or their dependents who are covered employees while performing a service in connection with training are eligible to apply for payment from the Maryland Jockey Injury Compensation Fund.

¹⁴ Minnesota—Less than \$8,000 or less than the annual SAWW when farm operation has total liability and medical payment coverage equal to \$300,000 and \$5,000, respectively, under a farm liability insurance policy and the policy covers injuries to farm laborers.

¹⁵ Minnesota—Act does not apply to persons covered by Domestic Volunteer Service Act of 1973, as amended. Act also does not apply to an employee hired in North Dakota by a North Dakota employer whose injury arises out of temporary work in Minnesota. Temporary work is defined as work in Minnesota for a period of time, not to exceed 15 consecutive calendar days or a

Chart II—Coverage of Laws, Cont.

Notes, Cont.

maximum of 240 total hours worked by employee in a calendar year.

¹⁶ Missouri—Employers who do not elect coverage are liable to suit with defenses abrogated.

¹⁷ Nebraska—If an employer to whom the act applies subsequently employs fewer than 10 unrelated full-time employees, the employer must continue to provide coverage for a full calendar year after becoming exempt.

¹⁸ Oregon—Ownership interest not required for certain corporate officers and directors of corporations whose activities are on land and that receive certain farm use tax assessments, as well as officers or directors that are members of the same family by blood, marriage, or adoption. In the commercial timber harvest industry and construction industry, the number of exempt offi-

cers is limited unless all are members of the same family.

¹⁹ Pennsylvania—If remunerated by written agreement on a commission-only basis and also qualified as an independent contractor for state or federal tax purposes.

²⁰ Rhode Island—Members of the National Guard must be on active duty in order to be eligible for benefits.

²¹ Utah—Volunteers are eligible only for workers' compensation medical benefits, not indemnity benefits.

²² Vermont—Municipalities may elect coverage of other employees.

²³ Longshore Act—Also excluded to extent covered by state law are office, clerical, secretarial, security or data processing employees; club,

camp, recreational operation; restaurant, museum, or retail outlet employees; marina employees not engaged in construction, replacement, or expansion; persons temporarily on premises not doing work normally performed by employer; aquaculture workers; builders, repairers, or dismantlers of recreational vessels under 65 feet in length; and master or crew of any vessel.

²⁴ Longshore Act—*Garcia v. Friesecke* 597F.2d 284 (1st Cir.) cert. denied 444 U.S. 940 (1979).

²⁵ Québec—Domestic is a natural person engaged by an individual for remuneration whose main duty is, in the dwelling of the individual, to do housework or to care for a child or a sick, handicapped, or aged person and who lives in the dwelling.

Chart III—Coverage of Minors

Jurisdiction	Covered	Future Earning Capacity	Illegal Employment	Special Benefit Provisions
Alabama	Yes		Double compensation	Settlement valid.
Alaska	Yes	Considered	Minor may elect suit for damages	Guardian may be required. Settlement must be reviewed and approved by the board.
Arizona	Yes		50% additional compensation ¹	Lump sum payable to guardian.
Arkansas	Yes	Considered	Double compensation ²	
California	Yes	Considered	50% additional compensation ¹	Settlement valid until claimed by parent or guardian.
Colorado	Yes	Considered	³	
Connecticut	Yes	Considered	If under 18, 50% additional compensation for scheduled injury; under 16, double compensation	Guardian may be required.
Delaware	Yes			
District of Columbia	Yes	Considered		
Florida	Yes		Double compensation	Guardian may be required.
Georgia	Yes			In limited circumstances, a guardian may be appointed by probate court or board.
Hawaii	Yes	Considered ⁴		If child is employed as part of education, the state is considered child's employer.
Idaho	Yes	Considered	Same as adult	Lump sum under probate jurisdiction. If public school student is working as part of his or her instruction, student is covered under school district's policy.
Illinois	Yes		If under 16, 50% additional compensation. Minor may elect suit for damages	
Indiana	Yes		If under 16, double compensation ^{1,5}	If over \$100, payable to guardian.
Iowa	Yes	Considered if apprentice or trainee		Settlement valid.
Kansas	Yes			Payments to minor, guardian, or conservator.
Kentucky	Yes	Considered		Lump sum payable to guardian.
Louisiana	Yes			Prescription does not run against minor if he or she has a tutor. Payments made to curator or tutor, who must file a bond.
Maine	Yes		Minor may elect suit for damages	
Maryland	Yes	Considered	Double compensation; discretionary ¹	Covers handicapped students who work without pay as part of their education and students in unpaid work-based learning experience positions.
Massachusetts	Yes	Considered	Double compensation ¹	If guardian required, insurer must pay expenses.
Michigan	Yes		If under 18, double compensation ²	
Minnesota	Yes			Entitled to maximum benefits if PT disability. Guardian may be required.
Mississippi	Yes		Double compensation ¹	Guardian may be required. Students 14 and over employed between semesters or working as part of instruction are exempt.
Missouri	Yes	Considered	50% additional compensation	Same as adults. Guardian may be required.
Montana	Yes		Same as adults	
Nebraska	Yes		Same as adults	
Nevada	Yes		Between \$300 and \$2,000	
New Hampshire	Yes	Considered	Double compensation if employer had previous violations	Guardian required.
New Jersey	Yes		If under 18, double compensation. ¹ Minor may elect suit for damages	Students 14 and over employed between semesters or working as part of instruction and junior auxiliary firefighters are exempt.
New Mexico	Yes	Considered	Minor may elect suit for damages	
New York	Yes	Considered	Double compensation ¹	All awards of compensation to minors must be paid to or for the benefit of the minor. If over \$250, the board may appoint a guardian.
North Carolina	Yes	Considered ⁶		PP or PT over \$500 payable to guardian.
North Dakota	Yes			Lump sum payable to guardian.
Ohio	Yes	Considered	Double compensation	Lump sum payable to guardian.
Oklahoma	Yes	Considered	Double compensation	Lump sum payable to guardian.

Chart III—Coverage of Minors, Cont.

Jurisdiction	Covered	Future Earning Capacity	Illegal Employment	Special Benefit Provisions
Oregon	Yes		25% of claims cost (between \$100 and \$500) payable to Consumer and Business Services Fund	PP payable to guardian.
Pennsylvania	Yes		50% additional compensation ¹	
Rhode Island	Yes		Triple compensation	
South Carolina	Yes			Up to \$10,000 payable to father, mother, or natural guardian; over \$10,000 payable to person or corporation appointed by probate court.
South Dakota	Yes			
Tennessee	Yes			If over \$250, payable to guardian.
Texas	Yes	Considered ⁷		Payable to guardian.
Utah	Yes			Lump sum payable to guardian.
Vermont	Yes			
Virginia	Yes			If over \$15,000 in a lump sum, payable to guardian.
Washington	Yes		Same as adults	Benefits payable to guardian or directly to minor with guardian's permission. Up to \$300 allowed for appointing a guardian if needed.
West Virginia	Yes		Same as adults	
Wisconsin	Yes	Considered	Doubled or tripled ⁸	Guardian may be required. Maximum burial expenses for children eligible for additional benefits is \$1,500.
Wyoming	Yes	Considered		
American Samoa	Yes			
Guam	Yes	Considered		Guardian may be required.
Puerto Rico	Yes		If under 18, double compensation	Additional compensation will constitute a lien over employer's property.
Virgin Islands	Yes		30% additional compensation ¹	
FECA	Yes	Considered		
Longshore Act	Yes	Considered		
Alberta	Yes	Considered if apprentice or trainee or if past employment is insufficient to allow calculation of benefits		Paid as board deems best.
British Columbia ⁹	Yes	Considered in instances of PP or PT		Paid as board deems best.
Manitoba	Yes	Considered if under 28 in instances of PP or PT		Paid as board deems best. Additional benefit costs for most employers are charged to a cost apportionment fund.
New Brunswick	Yes	Considered if under 21		Paid as board deems best.
Newfoundland and Labrador	Yes	Considered		Paid as commission deems best. Death benefit to parent may be withheld.
Northwest Territories and Nunavut	Yes	Considered		Paid as board deems best.
Nova Scotia	Yes	Considered if under 30		Costs associated with additional deemed wages apportioned. Death benefit to parent may be withheld.
Ontario	Yes	Considered	Minor may elect suit for damages	Payments made to spouse (who cannot also be a minor), parent, guardian, or trustee.
Prince Edward Island	Yes	Considered	Minor may elect suit for damages	Paid as board deems best. Death benefit to parent may be withheld.
Québec	Yes	Considered		Paid as required by law.
Saskatchewan	Yes	Considered		Paid as required by law.
Yukon Territory	Yes			Paid as board deems best.
Canadian Merchant Seamen's Act	Yes	Considered		Paid as board deems best.

Chart III—Coverage of Minors, Cont.

Notes

¹ Employer may not insure additional amount of compensation.

² Unless minor misrepresents age in writing to employer.

³ Colorado—Medical impairment, PT, and death benefits paid at maximum rate payable at time of death or determination of maximum medical improvement.

⁴ Hawaii—PT disability and death benefits based on the AWW employee would have received at age 25.

⁵ Indiana—Students in vocational education programs treated as workers age 17 and are not entitled to double compensation.

⁶ North Carolina—Compensation for PP, PT, or death with surviving dependents is based on AWW paid to an adult employee in a position to which a

minor employee would likely have been promoted; if no position exists, then the minor is entitled to the maximum benefit. In TP or TT and no-dependency death cases, compensation may be increased in proportion to expected earnings where TT or TP extends over 52 weeks.

⁷ Texas—Considered only if minors' wages are limited because of apprenticeship, continuing formal training, or education intended to enhance future wages and those wages would reasonably be expected to change. Future earnings more than 3 years after the date of injury cannot be considered.

⁸ Wisconsin—Doubled for minor of permit age employed without permit, up to \$7,500; tripled if minor was employed in prohibited work or if under permit age and illegally employed, up to \$15,000. Additional compensation payable by employer.

Minors given contractual power. If employer was misled by fraudulent written evidence of age by minor, extra compensation paid into special benefit fund.

⁹ British Columbia—Minors are under 19. Young workers are under 25. Students are distinguishable by definition, but once eligibility is established, the same provisions apply to these 3 categories of worker for determining benefits.

Chart IV—Coverage of Occupational Diseases

Jurisdiction	Nature of Coverage ¹	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions From Death Awards	Medical Care	Compensation ²
Alabama	All diseases; some ordinary life diseases under evidentiary standards of proof		Death—within 3 years of last exposure or last payment. Radiation or occupational pneumoconiosis—exposure must occur in at least 12 months over 5 years prior to last exposure.	Within 2 years of last exposure or last payment. Radiation—within 2 years and claimant must know relation to employment. Coal miner's pneumoconiosis—within 3 years after PT or death and claimant must know relation to employment. Death—within 2 years of death or last payment.	Disability payments	Unlimited	Same as for accidents. ³
Alaska	All diseases			Within 2 years of knowledge of relation to employment. Death—within 1 year.		Subject to frequency standard	Same as for accidents.
Arizona	All diseases ⁴	Commission may appoint board of 3 medical consultants; report is prima facie evidence of facts	Silicosis or asbestosis—employer liable only if exposure over 2 years.	Within 1 year of manifestation, knowledge of disability, or accrual of right; excusable.		Unlimited	Same as for accidents.
Arkansas	All diseases resulting in disability or death and arising out of and in the course of employment		Disability or death—within 1 year of last exposure or 7 years for death following continuous disability. Radiation—does not apply. Silicosis or asbestosis—within 3 years and exposure must be in 5 years over 10 years prior to disability (2 of 5 years in state, unless same employer).	Within 2 years of last exposure. Silicosis or asbestosis—within 1 year. Radiation—within 2 years from diagnosis. Death—within 2 years.		Unlimited	If a disease, infirmity, disability, or death are obtained or caused by something not itself compensable but are aggravated, prolonged, accelerated, or contributed to by an occupational disease, compensation payable is limited to the proportion of occupational disease were the sole cause of the disability or death. A causal connection between occupation and occupational disease must be established by a preponderance of the evidence.
California	All diseases arising out of and in the course of employment ⁵			Within 1 year of date of injury or last payment. Employee should know relation to employment. Death—within 1 year if death is within 1 year after injury; if not, within 1 year after last medical payment. No claims 240 weeks after injury, except for claims based on asbestos exposure.	Based on guidelines adopted by AD or American College of Occupational and Environmental Medicine	Unlimited	Same as for accidents.

Chart IV—Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage ¹	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions From Death Awards	Medical Care	Compensation ²
Colorado	All diseases ³	Division IME must be over- come by clear and convincing evidence in dis- putes over MMI and whole per- son impairment	Disability—within 5 years of date of injury. Death—within 2 years. Exceptions are death or disability resulting from exposure to radioac- tive materials, substances, mach- ines, fissionable materials; poison- ing by uranium or its compounds; or from asbestosis, silicosis, or anthracosis.	Disability or death—within 2 years (3 years with a reasonable excuse) or within 2 years of when the claimant should have known rela- tionship of injury to employment. Radiation, asbestosis, silicosis, or anthracosis—within 5 years of dis- ability or death.	Unlimited	Unlimited	Same as for accidents.
Connecticut	All diseases	Panel of 3 physi- cians may be appointed by commissioner to resolve medical issues involving lung diseases.	Disability—within 3 years of manifestation of disease. Within 2 years if death occurs within first 2 years of mani- festation of disease or 1 year after death, whichever is later.	Within 3 years of manifestation of disease. Within 2 years if death occurs within first 2 years of mani- festation of disease or 1 year after death, whichever is later.	Unlimited	Unlimited	AWW is calculated as of date of total or partial incapacity to work. If disease arises when claimant has not worked during past 52 weeks, AWW is equal to SAWW for past 52 weeks or to AWW during last 52 weeks worked, whichever is greater.
Delaware	All diseases		Disability or death—within 1 year of knowledge of relation to employment.	Disability or death—within 1 year of knowledge of relation to employment.	Unlimited	Unlimited	Same as for accidents.
District of Columbia	All diseases		Within 1 year of disability, death, last payment, or knowledge of rela- tion to employment.	Within 1 year of disability, death, last payment, or knowledge of rela- tion to employment.	Unlimited	Unlimited	Same as for accidents.
Florida	All diseases arising out of and in the course of employment		Death—following continuous dis- ability and within 350 weeks of last exposure.	Within 2 years of disability, death, or employee's first knowledge of exposure.	Unlimited	Unlimited	Same as for accidents.
Georgia	All diseases	IME by physician chosen by agree- ment of parties or appointment of board		Within 1 year of date when employee should have known of existence of disease. In no event more than 7 years after last injur- ous exposure.	Disability payments	Unlimited	Same as for accidents.
Hawaii	All diseases			Within 2 years after claimant knows relation to employment.		Unlimited	Same as for accidents.
Idaho	All diseases ⁴		Disability—within 1 year of last ex- posure. Death—within 7 years. Sil- icosis—within 4 years (exposure must occur in 5 years during 10 years prior to disability and last 2 years in state, unless same em- ployer). Employer liable for nona- cute disease only if exposure lasts 60 days.	Within 1 year of disability or death. Silicosis—within 4 years of last exposure. Radiation or unusual disease—within 1 year of incapacity, disability, or death of claimant should know rela- tion to employment.	Disability payments	Unlimited	Same as for accidents. Silicosis—partial disability noncompensable; if later disabled, receive benefits up to \$5,000.

Chart IV—Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage ¹	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions From Death Awards	Medical Care	Compensation ²
Illinois	All diseases		Disability—within 2 years of last exposure. Berylliosis, silicosis, or asbestosis—within 3 years. Radiation—within 25 years.	Disability—within 3 years or 2 years after last payment. Death—within 3 years of death or last payment. Coal miner's pneumoconiosis—within 5 years of last exposure or payment. Radiation or asbestosis—within 25 years of last exposure.		Unlimited	Same as for accidents.
Indiana	All diseases		Disability—within 2 years of last exposure. Berylliosis or Silicosis—within 3 years. Asbestosis—within 35 years. ⁷ Employer liable for silicosis or asbestosis only if exposure lasts 60 days. Radiation—within 2 years after claimant knows relation to employment. Death—within 2 years or up to 300 weeks after disability.	Within 2 years of disability or death. Radiation—within 1 year and claimant should know relation to employment.	Disability payments	Unlimited	Same as for accidents.
Iowa	All diseases	Board may require IME	Disability—within 1 year of last exposure. Death—within 1 year or 7 years if following continuous disability. Pneumoconiosis ⁸ —within 3 years (exposure must be in 5 years over 10 years prior to disability or 2 of 5 years in state).	Within 2 years of disability or death or 3 years after last payment. Radiation—within 90 days and claimant should know relation to employment.	Same as for accidents	Unlimited	Same as for accidents. Pneumoconiosis—partial disability less than 33 1/2 is noncompensable.
Kansas	All diseases		Disability ⁹ —within 1 year of last exposure. Death—within 1 year or 7 years if following continuous disability. Silicosis—within 3 years over (exposure must be in 5 years over 10 years prior to disability or 2 of 5 years in state, unless same employer); employer liable only if exposure lasts 60 days.	Within 1 year of disability, death, or last payment. Silicosis—within 2 years of last payment. Radiation—within 1 year of knowledge of relation to employment.		Unlimited	Same as for accidents.
Kentucky	All diseases			Disability—within 3 years of last exposure or first manifestation. Death—within 3 years. No claim allowed more than 5 years after last exposure, except for radiation or asbestosis ¹⁰ —within 20 years.			Same as for accidents. Coal Miner's Pneumoconiosis—Kentucky Coal Workers Pneumoconiosis Fund provides 50% of benefits and employer at the time of last exposure pays 50%. In other occupational diseases, employer at the time of last exposure pays 100%.
Louisiana	All diseases ¹¹		Within 1 year, unless refutable by preponderance of evidence.	Disability—within 3 years of last exposure or first manifestation. Death—within 1 year.	Same as for accidents	Unlimited	Same as for accidents.

Chart IV—Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage ¹	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions From Death Awards	Medical Care	Compensation ²
Maine	All diseases ²²		Disability—within 3 years of last exposure (does not apply to asbestos-related diseases). Employer liable only if exposure lasts at least 60 days (except for radiation and asbestos-related disease). Silicosis—must be in-state exposure in 2 years during 15 years preceding disability (part of exposure may be out-of-state if same employer).	Disability—within 2 years. Death—within 1 year of death or last payment. Asbestosis—within 40 years of last payment. Radiation—limit runs from date of disability and claimant should know relation to employment. If mistake of fact, within reasonable time but no later than 6 years of last payment.	Disability payments	Unlimited	Same as for accidents.
Maryland	All diseases			Disability—within 2 years. Pulmonary dust disease—within 3 years.		Unlimited	Same as for accidents.
Massachusetts	All diseases			Within 4 years of diagnosis or knowledge of relation to employment.	Disability payments	Unlimited	Same as for accidents.
Michigan	All diseases			Within 2 years of knowledge of relation to employment.			Same as for accidents. ²³
Minnesota	All diseases ²⁴			Within 3 years of disability and knowledge of relation to employment.		Same as for injuries	Same as for injuries. Nondisabled claimants eligible for medical benefits.
Mississippi	All diseases		Radiation—date of disability is date of injury.	Within 2 years of disability or death.	Same as for accidents	Unlimited	Same as for accidents.
Missouri	All diseases		Last employer is liable regardless of length of time of last exposure, except in cases of repetitive motion where employment was less than 3 months and evidence exists that exposure for prior employer was the substantial contributing factor.	Within 2 years of injury, death, or last payment (3 years if no injury report filed); limitation runs from date injury is reasonably apparent.	Disability payments	Unlimited	Same as for accidents.
Montana	All diseases resulting in disability or death and arising out of and in the course of employment			Within 1 year of disability. Silicosis—must have been resident of Montana for 10 or more years immediately prior to the date of application.		Same as for injuries	Same as for injuries, excluding partial disability. Worker who is affected but not disabled may leave job and receive compensation up to \$10,000. Benefits for pneumoconiosis reduced by amount payable under federal law. Silicosis victims or beneficiaries ²⁵ not qualifying for benefits may receive up to \$300 monthly; supplement is Resource Indemnity Trust financed.
Nebraska	All diseases			Within 2 years of disability or upon manifestation.		Unlimited	Same as for accidents.

Chart IV—Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage ¹	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions From Death Awards	Medical Care	Compensation ²
Nevada	All diseases ¹⁸		Silicosis or asbestos-related—must have been exposed for at least 1 year. Tenosynovitis, prepatellar bursitis, or infection/inflammation of skin—must have been resident of Nevada for 90 days preceding contraction, or employed by self-insured employer or employer contributing to the Occupational Diseases Fund. ¹⁷	Within 90 days of knowledge of disability and its relation to employment. Silicosis or respiratory dust disease—within 1 year of disability or death. Death—within 1 year.		Unlimited	Same as for accidents.
New Hampshire	All diseases		Date of injury is considered date worker knew or should have known relation to employment. In case of cumulative trauma, date of injury is considered to be date of first medical treatment. Death—date dependents knew or should have known relation to employment.	Within 2 years for notification to employer. Within 3 years for filing a claim for disability, rehabilitation, medical, or death benefits.		Unlimited	Same as for accidents.
New Jersey	All diseases			Within 2 years after date of injury or death, date of last medical treatment, or date claimant should have known about the condition and its relationship to employment.	Disability payments	Unlimited	Same as for accidents.
New Mexico	All diseases ¹⁸		Death—within 1 year of date employee last worked for employer, or within 3 years if claim is filed or compensation paid (death from silicosis or asbestosis—within 2 years from date of last exposure or 5 years if claim is filed or compensation paid). Exposure to radioactive or fissionable materials—no limit.	Within 1 year of disability. Death—within 1 year. Radiation—within 1 year of date worker knew relation to employment.		Unlimited	Same as for accidents.
New York	All diseases arising out of and in the course of the employment ¹⁹			Within 2 years of disability or death and claimant should know relation to employment.		Unlimited	Same as for accidents. ²⁰
North Carolina	All diseases	Commission appoints 3-member advisory board for silicosis or asbestosis cases; may order IME	Death—within 2 years of injury or if totally disabled within 6 years. Asbestosis—within 10 years of last exposure. ²¹ Lead poisoning—within 2 years of last exposure.	Within 2 years of disability. Death—within 6 years.		Unlimited	Same as for accidents. ²²

Chart IV—Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage ¹	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions From Death Awards	Medical Care	Compensation ²
North Dakota	All diseases arising out of and in the course of employment, excluding stress (aside from an acute reaction to a traumatic event) ²³		Date of injury is considered to be date worker knew or should have known relation to employment. Death—within 1 year of injury or within 6 years if disability is continuous.	Within 1 year of injury. Death—within 2 years.		Unlimited	Same as for accidents.
Ohio	All diseases	Medical specialist in specific cases; findings advisory		Within 2 years of disability or death or within 6 months of diagnosis, whichever is later.			Same as for accidents. Respiratory dust disease—no partial disability. ²⁴
Oklahoma	All diseases resulting in disability or death and arising out of and in the course of employment	IME may be ordered		Within 2 years of last exposure. Silicosis, asbestosis, or radiation—within 2 years of last exposure or manifestation.		Licensed physician selected as provided in Section 14 of W/C Act	Same as for accidents.
Oregon	All diseases ²⁵			Within 1 year of manifestation, diagnosis by physician, or beneficiaries' discovery death was due to occupational disease, whichever is latest.		Unlimited curative care; limited palliative care	Same as for accidents.
Pennsylvania	All diseases	IME may be ordered	Within 300 weeks of last exposure (except death following disability that occurs within 300 weeks of last exposure). Silicosis, anthracosis, or coal miner's pneumoconiosis—disability or death must occur within 4 years of the last exposure and must be in-state exposure in 2 years during 10 years preceding disability.	Within 3 years of disability, death, or last payment. Radiation—within 3 years of knowledge of relation to employment.		Unlimited	Same as for accidents. ²⁶
Rhode Island	All diseases	Medical advisory board may order IME by 1 or more impartial physicians		Within 2 years of disability and employee should know relation to employment.		Unlimited	Same as for accidents.

Chart IV—Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage ¹	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions From Death Awards	Medical Care	Compensation ²
South Carolina	All diseases	Medical board determines controversial medical questions; pulmonary cases may be referred to pulmonary specialist of state medical universities	Within 1 year of last exposure, except radiation. Pulmonary dust disease—within 2 years. Byssinosis—within 7 years of last exposure.	Within 2 years of diagnosis or death. Radiation—limitation runs from date of disability and claimant should know relation to employment.	Disability payments	Unlimited	Same as for accidents. Worker who is affected but not disabled may waive compensation (except radiation).
South Dakota	All diseases	Division may contract with physicians for reports	Silicosis—must be in-state exposure in 2 years (in-state requirement waived if same employer), employer liable only if exposure lasts at least 60 days.	Within 2 years of disability or death. Radiation—within 1 year of disability and claimant should know relation to employment.	PT payments	Unlimited	Same as for accidents. No PP disability for silicosis. ²⁷
Tennessee	All diseases			Within 1 year of disability or death.	Same as for accidents	Unlimited	Same as for accidents.
Texas	All diseases arising out of and in the course of employment			Within 1 year of knowledge of relation to employment.	Same as for accidents	Same as for accidents	Same as for accidents.
Utah	All diseases		Notification must be given to employer or industrial commission within 180 days of knowledge of relation to employment.	Within 6 years of knowledge of relation to employment. Death—within 1 year.		Unlimited	Same as for accidents. ²⁸
Vermont	All diseases			Within 6 years of diagnosis. Relationship to employment must be reasonably discoverable and apparent.		Unlimited	Same as for accidents.
Virginia	All diseases; some ordinary diseases of life under usual evidentiary standards of proof ²⁹		Pneumoconiosis—exposure in 90 workshifts conclusive as to injurious exposure.	Within 2 years of diagnosis or within 5 years of last injurious exposure, whichever is first. ³⁰ Death—within 3 years.	Disability payments	Unlimited	Same as for accidents. ³¹ Worker who is affected but not disabled may waive compensation, subject to approval of commission.
Washington	All diseases, except mental claims			Within 2 years of date worker and department are notified that disease is present.		Unlimited	Same as for accidents.

Chart IV—Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage ¹	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions From Death Awards	Medical Care	Compensation ²
West Virginia	All diseases, except mental claims		Pneumoconiosis—2 years of continuous exposure in the 10 years prior to last exposure or 5 years cumulative exposure within the 15 years prior to date of last exposure.	Within 3 years of last exposure or reasonable knowledge. Death—within 1 year.	PT payments	Unlimited except pneumoconiosis claims, where medical care is based on percentage of impairment	Same as for accidents. Pneumoconiosis—benefits for federal claims are paid from the Coal Workers' Pneumoconiosis Fund.
Wisconsin	All diseases	Board may order IME	Disability date is last day of work for last employer whose employment caused disability.	Unlimited. After 12 years claim may be filed with state fund.		Unlimited	Same as for accidents.
Wyoming	All diseases	Medical commission issues final decision on disputed medical issues		Within 1 year of diagnosis or 3 years after exposure, whichever is later. Radiation—within 1 year of diagnosis or death.	Disability payments	Unlimited	Same as for injuries.
American Samoa			No specific provisions				
Guam	All diseases		Within 1 year of injury, illness, death, last payment of compensation, or knowledge of occupational causality.			Unlimited	Same as for accidents.
Puerto Rico	All diseases		Disability—within 1 year of last exposure, except for diseases with longer latency periods. Death—within 3 years from time disability manifested.	Within 3 years of knowledge of relation to employment or could have been learned through reasonable diligence.		Unlimited	Same as for accidents. If disability occurs after employer's violation of OSHA specifications, triple compensation charged to employer.
Virgin Islands	All diseases	Board may order IME	Notification must be given to employer or any of his or her agents within 30 days of manifestation or written notice within 90 days at discretion of director.	First claim filed within 60 days; excusable.		Same as for accidents	Same as for accidents.
FECA	All diseases			Within 3 years of injury, death, or disability and claimant should know relation to employment; excusable.		Unlimited; subject to fee schedule	Same as for accidents.
Longshore Act	All diseases			Within 2 years after knowledge of relation to employment or 1 year after last payment.		Unlimited	Same as for accidents. ²²

Chart IV—Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage ¹	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions From Death Awards	Medical Care	Compensation ²
Alberta	All diseases	Appointed by dis- cretion of board	Date of injury is considered date of disability.	Within 2 years of injury or death; excusable.		Unlimited	Same as for accidents.
British Columbia	All diseases resulting in disability or death and arising out of and in the course of employment			Within 1 year of date of injury, death, or disability. If after 3 years and special circumstances existed, board may pay compensation. If within 3 years after new scientific medical evidence is available, compensation may be paid from date of disability.	In certain situations, 50% of CPP benefits	100% if related to compensable condition. Worker need not be disabled by disease.	Generally same as for injuries. No loss of earnings required for claims of pneumoconiosis, noise-induced hearing loss, or compensation for health care benefits resulting from disease.
Manitoba	All diseases resulting in disability or death and arising out of and in the course of employment ^{3a}	Independent panel of medical experts may be appointed	In cases involving workplace fatalities, date of death will be used to determine benefit levels provided to the deceased worker's dependents or estate.	Within 1 year of injury or death; excusable.	Same as for accidents	Unlimited	Same as for injuries.
New Brunswick	All diseases resulting in disability or death and arising out of and in the course of employment, excluding mental (aside claims from an acute reaction to a traumatic event)		Date of accident is considered date of disability.	Within 1 year of injury. Death—within 6 months. Claim is payable by commission in any event if the claim is just.	CPP benefits	Unlimited	Same as for accidents.
Newfoundland and Labrador	All diseases	Committee of medical referees appointed by commission	Date of disability is considered date of injury.	Within 3 months of injury or disease. Death—within 6 months.		Unlimited	Same as for accidents.
Northwest Territories and Nunavut	All diseases	Board may require IME	Date of accident is considered date of disability	Disability—within 1 year of injury; excusable. Death—within 3 years of last employment.	CPP benefits and employer-sponsored pension benefits	Unlimited	Same as for accidents.

Chart IV—Coverage of Occupational Diseases, Cont.

Jurisdiction	Nature of Coverage ¹	Medical Boards	Onset of Disability or Death	Time Limit on Claim Filing	Deductions From Death Awards	Medical Care	Compensation ²
Nova Scotia	All diseases, excluding stress (aside from an acute reaction to a traumatic event)	Board may require IME	Date of accident is considered date of disability, date PMI is determined, or date of death; whichever is earliest.	Within 54 months of diagnosis. Silicosis or pneumoconiosis—within 5 years after exposure and within 1 year after knowledge of relation to employment.		Unlimited	Same as for accidents.
Ontario	All diseases; some restrictions regarding exposure	Board may require IME	Date of diagnosis is considered date of accident or date of first medical report, whichever is earlier.	Within 6 months of knowledge of disease or death; excusable.		Medical care for work-related aspect of disease	Same as for accidents.
Prince Edward Island	All diseases arising out of and in the course of employment	Board may require IME		Within 6 months of injury or death.		Unlimited	Same as for accidents.
Québec	All diseases	Pulmonary disease claims submitted to committee on occupational lung diseases, formed by minister of labor	Date of diagnosis or work stoppage due to disability, whichever is earlier.	Within 6 months of learning of disease or death.		Unlimited	Same as for accidents. ³⁴
Saskatchewan	All diseases arising out of and in the course of employment	Medical review panel issues final decisions on disputed medical questions; based on majority decision	Date worker initially sought medical care for injury or date injury was initially reported to the board, whichever is earlier.	None.		Unlimited	Same as for injuries.
Yukon Territory	All diseases	Board may require IME		Within 1 year of disability; excusable.		Unlimited	Same as for accidents.
Canadian Merchant Seamen's Act	All diseases						Same as for accidents.

Chart IV—Coverage of Occupational Diseases, Cont.

Notes

¹ Employer and insurance carrier at time of last exposure are liable in Arkansas, Colorado (employer is liable where the employee was last injuriously exposed and suffered substantial permanent aggravation), Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, New Hampshire, North Carolina, Oklahoma, South Carolina, Tennessee, Vermont, and Virginia. Employer at time of last exposure is liable in Alabama, Arizona, Iowa, Michigan, Minnesota, Missouri, Montana, New Mexico, North Dakota, Pennsylvania, South Dakota, Texas, and Utah. Liability apportioned among responsible employers in Connecticut, New York, Rhode Island, and Washington. California limits liability to employer during last year of exposure.

² Benefits determined as of the date of last exposure in Arkansas, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Michigan, Minnesota, Missouri, Nevada, New Jersey, South Dakota, Texas, Washington, West Virginia, Wisconsin, and Wyoming. Benefits determined as of the date of disability, knowledge, or manifestation in Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Iowa, Maryland, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, and Washington (date of injury after 07/1/88).

³ Alabama—If compensation is payable for OD other than pneumoconiosis or radiation, employer at time of last exposure is liable.

⁴ Arizona—HIV infection is covered if employee handles bodily fluids (excluding tears, saliva, and perspiration). Specifically excludes sexual activity and illegal drug use as a cause of infection. If certain criteria are met, a disease, infirmity, or impairment caused by certain cancers or leukemia resulting in disability or death to a firefighter or peace officer is an OD as defined in the law and is deemed to arise out of employment.

⁵ California—For peace officers and firefighters who develop hepatitis, meningitis, and/or cancer, presumption of compensability is only rebuttable if not related to employment or if the carcinogen is not reasonably linked to cancer. Claims for benefits filed or pending on or after 1/1/1997 define cancer to include leukemia. Limitations on post-termination stress cases. Dependents of a worker whose HIV-related death occurs more than 240 weeks after date of the initial injury will receive death benefits. Claims for the aforementioned must be made within 1 year from the date of death providing that a report of the injury or exposure was made to the employer or the proper government agency authorized to administer industrial injury claims within 1 year of the date of injury, the worker has complied with the state's notice provisions, and the claim has not been determined noncompensable. The employer provide workers' compensation benefits for the injury

prior to the date of death. In 2001 presumptions of work-relatedness were added for lower back impairment of certain law enforcement personnel (labor code section 3213.2); meningitis and other presumptions for peace officers of Department of Correction, Department of the Youth Authority and others (3212.10); skin cancer for certain active lifeguards (3212.11). In 2002, presumptions were added for injuries to public safety employees from exposure to a biochemical substance (AB 1857) and injuries to specified peace officers and members of the California Conservation Corps who contract Lyme Disease while working in high risk areas (AB 2125). In 2003, presumptions were added that extend the time period to file for the death of a firefighter from asbestosis to one year from the date of death. (AB 149).

⁶ Idaho—AIDS, ARC, HIV infections and Hepatitis B virus are covered for any occupation with exposure to body fluids.

⁷ Indiana—Within 20 years if last asbestos dust exposure occurs on or after 7/1/85, 3 years if last exposure occurred before 7/1/85.

⁸ Iowa—Death from respiratory disease of coal miner employed 10 years presumed due to pneumoconiosis.

⁹ Kansas—Worker who is affected but not disabled may waive full compensation and if later disabled receive benefits up to 100 weeks.

¹⁰ Kentucky—Applies to asbestos-related disease claims filed on or after 7/15/86.

¹¹ Louisiana—Mental injury, heart-related, and perivascular diseases are not OD but under certain circumstances are compensable.

¹² Maine—Asbestos-related diseases not covered by Maine Act if at time of last injurious exposure the employee was covered by Federal Longshore Act or FECA.

¹³ Michigan—Silicosis, dust disease, and logging industry: fund reimburses compensation over \$25,000 or 104 weeks, whichever is greater, for injury after 6/30/85. Fund also reimburses benefits in cases of exposure to brominated biphenyl before 7/24/79 and where disability or death occurs or becomes known after 7/24/79.

¹⁴ Minnesota—Specifically covers a disease or injury resulting from a vaccine in response to a declaration by the USDHHS to address an actual or potential health risk.

¹⁵ Montana—A representative may apply for and receive silicosis payments on behalf of an eligible person or beneficiary.

¹⁶ Nevada—NRS 617.450 lists a schedule of 21 OD which are covered. Many of the occupational diseases covered under this statute are various types of chemical poisoning.

¹⁷ Nevada—Additional testing and incubation rules apply to contagious diseases. If injured employee worked as a police officer or firefighter for 5 continuous years and subsequently develops heart disease, it is presumed to have arisen out of employment; lung disease is presumed to have arisen out of employment for these individuals after 2 years. Cancer and hearing loss may be considered OD for firefighters

in specified circumstances.

¹⁸ New Mexico—Occupational Disease Disabling Law applies to employers of 3 or more but excepts employers of ranching or agricultural laborers, employers of private domestic servants and qualified real estate salespersons.

¹⁹ New York—State and local correctional officers, Office of Mental Health safety and security officers, Office of Mental Health security hospital treatment assistants, and Office of Court Administration uniformed court officers and court clerks, court reporters and court interpreters with peace officer powers: exposure to bodily fluids during the course of employment presumed to be injurious exposure if subsequent to the exposure the correctional officer is diagnosed with a blood-borne disease (WCL § 47).

²⁰ New York—Disability or death prior to 8/1/94 due to silicosis or dust disease reimbursed from special fund for all payments over 104 weeks; reimbursed for all payments over 260 weeks where death or disability on or after 8/1/94.

²¹ North Carolina—Asbestosis or silicosis is noncompensable absent in state exposure in 2 years during 10 years preceding last exposure or if exposure is less than 30 working days in 7 consecutive months. However, a 1996 North Carolina Supreme Court case found this statutory limitation to be unconstitutional.

²² North Carolina—Worker who is affected but not disabled by asbestosis or silicosis or who is removed from exposure receives benefits up to \$674 weekly for 104 weeks. If later totally disabled, full compensation is paid. If death results within 2 years after last exposure (350 weeks if caused by secondary infection), full compensation is paid. If partially disabled, 66.66% of wage loss is paid for another 196 weeks. If unrelated death, balance of 104 weeks is paid plus 300 weeks (total disability) or percentage of 196 weeks (partial disability). Worker may waive full compensation and receive 104 weeks of compensation plus 100 more weeks if later disabled or dies.

²³ North Dakota—Police and firefighters who are paid and full-time are presumed eligible for compensation if lung or heart disease develop. Firefighters presumption for cancer. Burden to disprove entitlement is on bureau.

²⁴ Ohio—Includes asbestosis, silicosis, and coal miner's pneumoconiosis. Worker who is affected but not disabled by respiratory dust disease and who changes occupation may receive 50% of the SAWW weekly for 30 weeks and, immediately following expiration of that award, claimant may receive 66.66% of wages lost from change of occupation for 100 weeks, but may not exceed 50% of the SAWW.

²⁵ Oregon—Conditions must be established by medical evidence supported by objective findings and must be the major contributing cause of the consequential condition.

²⁶ Pennsylvania—State pays \$125 monthly for total disability or death caused by silicosis, anthracosilicosis, coal miner's pneumoconiosis,

Chart IV—Coverage of Occupational Diseases, Cont.

Notes, Cont.

or asbestosis provided there has been 2 years of in-state exposure in cases where the claim is barred by the statute of limitations and the last exposure occurred before 1965 or where exposure occurred under several employers.

²⁷ South Dakota—Worker who is affected by silicosis but not disabled may waive full compensation and if later disabled or dies receive benefits up to 52 times the maximum weekly benefit; if worker leaves employment, may receive compensation up to \$1,000.

²⁸ Utah—Disability compensation may not be awarded under the Utah Occupational Disease Act (subsection 2-b-i through iii) when the major contributing cause of the employee's injury is the use of illegal substances, intentional abuse of prescription drugs, or intoxication from alcohol with a blood or breath alcohol concentration of .08 grams or greater. For purposes of Subsection 2 of the Occupational Disease Act, it is presumed that the major contributing cause of the employee's injury is the employee's conduct at the time of injury, as shown by a chemical test. May be rebutted by evidence.

²⁹ Virginia—Ovarian and breast cancer in the case of eligible firefighters and hazardous materials officers.

³⁰ Virginia—5-year limitation does not apply

to cataract of the eyes, skin cancer, radium disability, ulceration, undulant fever, angiosarcoma of the liver due to vinyl chloride exposure, or mesothelioma. Byssinosis—within 7 years of last exposure; coal miner's pneumoconiosis—within 3 years of diagnosis; asbestosis—within 2 years of diagnosis or, if based on changed condition, within 2 years of diagnosis of advanced stage. No claim for an advanced stage of asbestosis shall be denied on the ground that there has been no subsequent accident. Claim must be filed within 2 years of positive identification of infection with HIV.

³¹ Virginia—Compensation for advanced asbestosis or mesothelioma is based on wages at time of diagnosis if employed in same employment where injurious exposure occurred; otherwise based on the AWW of worker in similar employment.

³² Longshore Act—In PP disability claims due to OD where time of injury occurs after retirement, compensation is 66% of AWW multiplied by the percentage of PMI (according to AMA guidelines), payable while impairment continues.

³³ Manitoba—Act provides a rebuttal presumption of compensation for firefighters who have regular exposure to a fire scene (other than a forest fire scene) for a prescribed

minimum period and who contract primary site brain, bladder, kidney, colorectal and ureter cancer, primary non-Hodgkin's lymphoma, and primary leukemia. The cancer assumption also applies to primary site lung cancer among non-smoking firefighters. Minimum employment periods range from 5 years for leukemia to 20 years for kidney cancer and non-Hodgkin's lymphoma. The regulation also sets out the minimum period of time for which a worker has been a nonsmoker. The cancer presumption for full-time firefighters applies to accidents which occurred on or after 1/1/92. For part-time and volunteer firefighters, the cancer presumption applies to accidents on or after 6/9/05. For firefighters, heart injury within 24 hours of attendance at an emergency response is also presumed to be work-related. This presumption applies to heart injuries on or after 6/9/05.

³⁴ Québec—A worker age 55 or over who suffers from an OD or age 60 or over who suffers from an injury and is affected by a permanent physical or mental disability is entitled to an income replacement indemnity for as long as he does not have a new job or a suitable job with his employer.

Chart V—Occupational Hearing Loss

Jurisdiction	Separation From Noise Before Filing	Minimum Exposure in Last Employment	Liability for Prior Loss	Benefits		Deduction For Presbycusis	Failure to Use Protective Device ¹	Compensable Loss of Hearing (dB) ²	Loss of Hearing Considered Total (dB) ³	Cycles at Which Loss Is Measured (Hz) ⁴
				Total Loss	One Ear					
Alabama	Statute silent	Statute silent		163 weeks	53 weeks					
Alaska				No specific provisions						
Arizona	No requirement	Statute silent	No	60 months	20 months	No	No impact	Latest AMA	Latest AMA	Latest AMA
Arkansas	Statute silent	Statute silent	No	158 weeks	42 weeks	No				Medical evaluation
California	Statute silent	Statute silent	Apportionment may apply	264 weeks ²	24 weeks ²		No impact	AMA 5th edition	AMA 5th edition	500-1,000-2,000-3,000
Colorado	Statute silent	Statute silent	Apportionment may apply	139 weeks	35 weeks	Yes		AMA 3rd revised edition	AMA 3rd revised edition	AMA 3rd revised edition
Connecticut	Statute silent	Statute silent	Apportionment may apply	104 weeks	35 weeks					
Delaware	No requirement	No requirement	No	175 weeks	75 weeks	No	No impact			
District of Columbia	6 months			150 weeks	39 weeks	Possible		Latest AMA	Latest AMA	
Georgia	6 months	90 days	No	150 weeks	Proportionate		No compensation	Over 15 (26 ANSA/ISO)	82 (93 ANSI/ISO)	500-1,000-2,000
Hawaii	No requirement	No requirement	Last covered employer	200 weeks	52 weeks	No	No impact	Latest AMA	Latest AMA	Latest AMA
Idaho ³				175 weeks						
Illinois				200 weeks		Yes		Over 30	85	1,000-2,000-3,000
Iowa	1 month	90 days	No	175 weeks	50 weeks	Yes	No impact	Over 25 (ANSI/ISO)	92 (ANSI/ISO)	500-1,000-2,000-3,000
Kansas	No requirement	No requirement	No	110 weeks	30 weeks	No		AMA 4th edition	AMA 4th edition	AMA 4th edition
Kentucky ⁵	No requirement	No requirement	No				Compensation reduced 15%	Latest AMA		
Maine	30 days	90 days	No	200 weeks	50 weeks			Over 15 ASA (25 ANSI)	82 ASA (92 ANSI)	500-1,000-2,000
Maryland		90 days	Implead prior employers	250 weeks	125 weeks	Yes		Over 25	91.7	500-1,000-2,000-3,000
Massachusetts	No requirement	No requirement	No	SAWW x 77	SAWW x 29	No	No impact	Latest AMA	Latest AMA	Latest AMA
Minnesota	No requirement	No requirement	Last significant exposure	35% total body impairment	Loss calculated binaurally	No		At least 1.8% binaural hearing loss		500-1,000-2,000-3,000
Mississippi	No requirement	No requirement	Apportionment may apply	150 weeks	40 weeks	No	No impact	Latest AMA	Latest AMA	Latest AMA
Missouri	6 months	No requirement	No	180 weeks	49 weeks	Yes	Compensation reduced 25% to 50%	Over 26 ASA (25 ANSI/ISO)	92 ASA (93 ANSI/ISO)	500-1,000-2,000
Montana				No specific provisions						
Nebraska	No requirement	No requirement		Same as PT	50 weeks		No compensation if willful negligence expert medical opinion	Supported by expert medical opinion	No requirement	No requirement

Chart V—Occupational Hearing Loss, Cont.

Jurisdiction	Separation From Noise Before Filing	Minimum Exposure in Last Employment	Liability for Prior Loss	Benefits		Deduction For	Failure to Use Protective Device ¹	Compensable Loss of Hearing (dB) ¹	Loss of Hearing Considered Total (dB) ¹	Cycles at which Loss Is Measured (Hz) ¹
				Total Loss	One Ear					
Nevada										
New Hampshire	Statute silent	Statute silent	No	123 weeks	30 weeks	Possible				Latest AMA
New Jersey	4 weeks	1 year; 3 days weekly during 40 weeks	No	200 weeks	60 weeks; loss must be binaural	Yes	No compensation	Over 20 (ASA '51; 30 ANSI '69)		1,000–2,000–3,000
New Mexico	No requirement	No requirement	No	150 weeks	40 weeks		10% reduction may apply	Latest AMA	Latest AMA	
New York	3 months ^a	90 days	Implead prior employers	150 weeks	60 weeks	No		Over 25 (ANSI '69)	92 (ANSI '69)	500–1,000–2,000–3,000–4,000–6,000
North Carolina	6 months	90 days	No	150 weeks	Proportionate		No compensation	Over 15 (26 ANSI/ISO)	82 (93 ANSI/ISO)	500–1,000–2,000–3,000
North Dakota	No requirement	No requirement		% of total body impairment	% of total body impairment		AMA 5th edition	AMA 5th edition		
Oklahoma	No requirement	No requirement	No	330 weeks	110 weeks	No	No compensation	Latest AMA	Latest AMA	500–1,000–2,000–3,000
Oregon			No, if adequately documented by preemployment audiogram	\$187,858 ^a	\$100,310 ^a	Yes		Over 25 (ANSI '89)	100 (ANSI '89)	500–1,000–2,000–3,000–4,000–6,000
Pennsylvania	No requirement	No requirement	No	¹⁰		Possible	No impact	AMA 4th edition	75% presumed	500–1000–2,000–3000
Rhode Island	6 months	No requirement	Last significant exposure	244 weeks, lump sum	75 weeks, lump sum			Medical advisory board protocols (RIGL 28-33-5)	Medical advisory board protocols (RIGL 28-33-5)	Medical advisory board protocols (RIGL 28-33-5)
South Carolina	No requirement	No requirement	No	165 weeks	80 weeks			Over 25	92 (ANSI '69)	500–1,000–2,000–3,000
South Dakota	6 months	90 days or parts thereof	No	150 weeks	50 weeks	Yes	No compensation	Over 25 ANSI	92 ANSI	500–1,000–2,000–3,000
Tennessee	No requirement	No requirement	No	150 weeks	% of loss			Latest AMA	Latest AMA	Latest AMA
Texas		No requirement; facts must support injurious exposure	No	% of total body impairment	% of total body impairment		No impact	AMA 4th edition	AMA 4th edition	AMA 4th edition
Utah	6 weeks		No	109 weeks	Proportionate	No	15% reduction may apply	Over 25 (ANSI '69)	90 (53.6 ANSI '69)	500–1,000–2,000–3,000
Vermont	No requirement	No requirement	No					Latest AMA	Latest AMA	Latest AMA
Virginia								27 ASA	90 ASA	500–1,000–2,000–3,000

Chart V—Occupational Hearing Loss, Cont.

Jurisdiction	Separation From Noise Before Filing	Minimum Exposure in Last Employment	Liability for Prior Loss	Benefits		Deduction For Presbycusis	Failure to Use Protective Device ¹	Compensable Loss of Hearing (dB) ²	Loss of Hearing Considered Total (dB) ³	Cycles at Which Loss Is Measured (Hz) ⁴
Washington ⁵	No requirement	No requirement; facts must support injurious exposure	No ⁶	Total Loss	One Ear	No	No impact	Latest AMA	85	500-1,000-2,000-3,000
				\$76,110.40	\$12,685.04					
West Virginia	Statute silent	Statute silent	No	% of PT	% of PT	No	No impact	Over 275 (ANSI '69)	90 (ANSI '69)	500-1000-2000-3000
Wisconsin	7 days	90 days	No	216 weeks ¹²	36 weeks ¹²		15% decreased compensation, up to \$15,000	Over 30 ANSI	93	500-1,000-2,000-3,000
American Samoa	No requirement	No requirement	No	200 weeks	52 weeks					
Guam	No requirement	No requirement	Last covered employer	200 weeks	52 weeks		No impact	Latest AMA		Latest AMA
Puerto Rico	1 year	No requirement	No, if claim's term has elapsed	200 weeks	50 weeks	No		Latest AMA	Latest AMA	Latest AMA
Virgin Islands	6 months	No requirement	No	250 weeks	180 weeks	Possible	No compensation if willful negligence	Statute silent	Statute silent	Statute silent
FECA	No requirement			200 weeks	52 weeks	No		Over 25 (ANSI/ISO)	Latest AMA	500-1,000-2,000-3,000
Longshore Act			Last covered employer	200 weeks	52 weeks			Over 25 (ANSI)	92 (ANSI)	500-1,000-2,000-3,000
Alberta ¹³	No requirement	No requirement; facts must support injurious exposure ¹⁴	Apportionment may apply	30% of total body impairment ¹⁸	5% of total body impairment ¹⁵		No impact	140 (ANSI) ¹⁶	310-320 (ANSI) ¹⁶	500-1,000-2,000-3,000
British Columbia	No requirement, but affects entitlement (RSCM 31.10)	No requirement; facts must support injurious exposure (generally over 2 years)	Apportionment may apply ¹⁷	15% total disability for total unilateral loss	3% disability for total unilateral loss	Possible ¹⁸	No impact	28 (ANSI/ISO)	68 (ANSI/ISO)	500-1,000-2,000
Manitoba	No requirement	No requirement	Apportionment may apply	\$30,900 ¹⁹	\$5,150 ¹⁹	Yes	No impact	Over 25 ²⁰	92 (ISO) ²¹	500-1,000-2,000-3,000
New Brunswick	No requirement	No requirement; facts must support injurious exposure		30%	5%	No	No impact	30 (ANSI)	80 (ANSI)	500-1,000-2,000-3,000
Newfoundland and Labrador	No requirement	No requirement	Apportionment may apply	30% total disability ²²	5% total disability	Yes ²³	No impact	25	80	500-1,000-2,000-3,000
Nova Scotia	Statute silent	Statute silent	Apportionment may apply	Same as PMI	Same as PMI	Yes	No impact	AMA 4th edition	AMA 4th edition	500-1,000-2,000-3,000

Chart V—Occupational Hearing Loss, Cont.

Jurisdiction	Separation From Noise Before Filing	Minimum Exposure in Employment	Liability for Prior Loss	Benefits		Deduction For Presbycusis	Failure to Use Protective Device ¹	Compensable Loss of Hearing (in dB) ²	Loss of Hearing Considered Total (in dB) ³	Cycles at Which Loss is Measured (Hz) ⁴
				Total Loss	One Ear					
Ontario	No requirement	²⁴	Apportionment may apply	35% of total body impairment	6% of total body impairment	Yes	No impact	22.5 (ANSI '69)	92 (ANSI '69)	500–1,000–2,000–3,000
Saskatchewan	No requirement	No requirement	Apportionment may apply	Up to 30% total disability	Up to 5% total disability	No	No impact	30	80	500–1,000–2,000–3,000
Yukon Territory	No requirement	No requirement	Apportionment may apply	PP and medical aid	PP and medical aid	No	No impact	100	100	500–1,000–2,000–3,000

Notes

¹ AMA refers to the American Medical Association's *Guides to the Evaluation of Permanent Impairment*.

² California—Standard 35% whole person impairment (WPI) index for total loss of hearing; 6% WPI for one ear hearing loss. No particular statutory section exists.

³ Idaho—Idaho uses total body ratings for dual ear hearing loss. Hearing loss usually has to be proven as an occupational disease, which has a higher burden of proof.

⁴ Illinois—50 weeks under Workers' Compensation Act; 100 weeks under Workers' Occupational Diseases Act.

⁵ Kentucky—For last exposure after 7/15/02.

⁶ Kentucky—No compensation for hearing loss with less than 8% total body impairment; no impairment percentage for tinnitus considered in determining impairment to the whole person.

⁷ Nevada—May be considered under Nevada's general occupational disease statute, NRS 617.440. Firefighters and police officers are required to undergo hearing tests under NRS 617.454. Accepted claims for hearing loss are evaluated by rating physicians and chiropractors under AMA 5th edition.

⁸ New York—Claimant may file up to 3 months after knowledge that the loss of hearing was due to the nature of the employment.

⁹ Oregon—For injuries occurring on or after 01/01/05.

¹⁰ Pennsylvania—Depends on whether loss caused by long-term exposure or by other causes, such as head trauma. Compensation is paid in the amount of 66% of wages for a period of weeks calculated by multiplying the percentage of impairment calculated under the AMA *Guides* by a certain number of weeks.

¹¹ Washington—Prior hearing loss must be adequately documented. Compensation is made only for the increase in hearing loss due to new exposure. Claims must be filed within 2 years of the date of the last injurious exposure to occupational noise in covered employment in order to receive benefits other than medical.

¹² Wisconsin—No compensation may be paid for tinnitus injuries on or after 1/1/92.

¹³ Alberta—Hearing loss provisions are in policy, not in legislation.

¹⁴ Alberta—Requires clear history of prolonged occupational exposure (usually at least 2 years) at limits based on current Alberta OH&S standards. Hearing loss must be due at least in part to occupational exposure in Alberta or while covered under the Alberta Workers' Compensation Board.

¹⁵ Alberta—Changed to a dual-award compensation system for permanent disabilities on 1/1/95. Benefits include a non-economic loss payment, based on the whole body percentage of permanent clinical impairment. The 2006 maximum non-economic loss pay-

ment is \$74,047 for 100% PMI. Wage loss benefits are paid only when the compensable injury results in work restrictions that impair the worker's earning capacity.

¹⁶ Alberta—Summative loss in the measured cycles, in 1 ear. Bell's Tables are used to chart hearing loss.

¹⁷ British Columbia—Loss apportioned by industry classification and by proportion of neurosensory loss due to occupational exposure in British Columbia. (s. 7 and RSCM 31.00)

¹⁸ British Columbia—Non-traumatic—No; may be taken into consideration when deciding cause. Traumatic—Yes; 0.5 dB reduction for each year over the age of 50, which is then translated into a percentage. (RSCM 31.40 and 31.90)

¹⁹ Manitoba—For injuries occurring in 2006.

²⁰ Manitoba—35 dB for accidents prior to 4/1/00.

²¹ Manitoba—80 dB (ISO) for accidents prior to 4/1/00.

²² Newfoundland and Labrador—if total hearing loss in both ears is a result of sudden traumatic loss, 60% of total disability is awarded.

²³ Newfoundland and Labrador—0.5 dB reduction for each year over the age of 75.

²⁴ Ontario—Clear and adequate history required of 90 dB(A) for 5 years or equivalent during employment in Ontario. This is a policy, not a statutory requirement.

Part 2—Benefits Provided

Because workers' compensation imposes an absolute (but limited) liability on the employer for employee disabilities caused by employment, the benefits payable to an injured employee attempt to cover most of the worker's economic loss. This loss includes both loss of earnings and extra expenses associated with the injury.

Specifically, the benefits provided are as follows:

- + Cash benefits, which include impairment benefits and disability benefits. The former are paid for certain specific physical impairments, while the latter are available whenever there is an impairment and a wage loss.
- + Medical benefits, which are usually provided without dollar or time limits. In the case of most workplace injuries, only medical benefits are provided since substantial impairment or wage loss is not involved.
- + Rehabilitation benefits, which include both medical rehabilitation and vocational rehabilitation for those cases involving severe disabilities.

Cash Benefits—In considering workers' compensation income or cash benefits—which replace employee loss of income or earning capacity due to occupation injury or disease—four classifications of disability are used:

1. Temporary total (TT)
2. Permanent total (PT)
3. Temporary partial (TP)
4. Permanent partial (PP)

Permanent partial is divided into nonscheduled and scheduled disabilities.

Most cases involve temporary total disability. That is, the employee—although totally disabled during the period when benefits are payable—is expected to recover and return to employment. Permanent total disability generally indicates that the employee is regarded as totally and permanently unable to perform gainful employment.

Income Benefits for Total Disability (Chart VI)

Income or cash benefits payable under either temporary total or permanent total disability are shown in Chart VI. For computing weekly benefit payments, a formula—expressed as a percentage of wages—is used. In most states,

limitations are placed on maximum and minimum benefits payable weekly; some states also limit the total number of weeks and the total dollar amount of benefit eligibility.

Where there is permanent total disability, most states provide payments extending through the employee's lifetime.

For either temporary total or permanent total disability, the wage-replacement percentage in each jurisdiction is the same. However, in permanent total disability cases, the time limits tend to be longer and the total dollar amounts higher than in cases of temporary total disability. Some states provide additional amounts and other benefits for dependents. Allowances for dependents are charted as a range in the "Maximum Weekly Payment" and "Notations" columns.

Partial Disability—Most awards and the preponderance of dollars paid out as income benefits are for temporary total and permanent partial disability. As partial disabilities involve current earnings or wage earning ability, many state weekly benefit payments for temporary or permanent partial disabilities of the nonscheduled type are based on a wage-loss replacement percentage. The percentage applies to the difference between wages earned before and after the injury. In some states nonscheduled permanent partial disabilities are compensated as a percentage of the total disability cases.

Income Benefits for Scheduled Injuries (Chart VII)

Chart VII indicates maximum amounts payable in cases of scheduled injuries. Listed by law, these injuries involve loss, or loss of use, of specific body members, where wage loss based on nature of impairment is presumed. In most jurisdictions, the actual amount payable is a specified number of weeks of benefits (based on the member involved) multiplied by the weekly benefit amount (based on earnings at time of injury).

The Chart also indicates whether the scheduled award is in addition to any payment otherwise payable to the employee while they may be temporarily totally disabled (healing period). Some states limit the amount payable for such periods of temporary total disability.

The Canadian statutes do not typically provide specific injuries; Cases are decided individually using medical impairment ratings as guidelines.

Fatalities: Income Benefits for Spouse and Children (Chart VIII)

Benefits payable in the event of fatal injuries are shown in Chart VIII. The benefits provided include a burial allowance as well as a proportion of the worker's former weekly wages.

Although accidental death is always a tragedy, the economic loss associated with death cases is often less than that of a permanent total disability. Because of these considerations, death benefits are generally paid to the spouse until remarriage and to the children until a specified age. In addition, some laws provide a maximum benefit total expressed as maximum period for the payment of benefits. Figures for one child only reflect compensation if sole survivor.

Waiting Period For Income/Medical Benefits (Chart IX)

Medical Benefits—Medical benefits, which make up a sizeable portion of all workers' compensation benefits paid, are shown in Chart IX. In most instances unlimited medical benefits are provided either specifically by statute or by administrative discretion.

Choice of Physician—Practices vary with respect to choice of attending physician. States are divided nearly evenly between those that give this decision to the employer and those that give the choice to the employee. In some states, selection must be made from an approved list. The employer normally has the right to select a physician to conduct an examination.

Waiting Periods—Statutes provide that a waiting period must elapse during which income benefits are not

payable. This waiting period affects only compensation; medical and hospital care are provided immediately. If disability continues for a certain number of days or weeks, most laws provide for payment of income benefits retroactive to the date of injury. Statutory provisions for waiting periods are summarized in Chart IX.

Rehabilitation of Disabled Workers (Chart X)

Mutual interests of disabled employees and employers generally favor starting rehabilitation as soon as possible. Although rehabilitation is considered an integral part of complete medical treatment, its uses may extend beyond this—for example, where it includes vocational rehabilitation and retraining.

Specific rehabilitation provisions now in workers' compensation laws are outlined in Chart X. However, rehabilitation is provided in all states even if unspecified in the law. Maintenance allowance amounts and special fund sources to finance rehabilitation also are indicated.

Insurance carriers and many employers having medical departments are leaders in carrying on rehabilitation for the industrially injured. Likewise, many major industries have comprehensive programs for employment of the physically handicapped. Smaller industries maintain modified programs for placement of disabled individuals in congenial tasks. All of these private programs help employees and employers alike.

The Federal Vocational Rehabilitation Act is now effective in all states; it includes federal funds to aid states in vocational rehabilitation of the industrially disabled.

Chart VI—Income Benefits for Total Disability

Jurisdiction	Percentage of Wages	Maximum Weekly Payment		Minimum Weekly Payment		Time Limit	Amount Limit (\$)	Automatic Cost-of-Living Increase	Offsets	Notations
		Amount (\$) ¹	Rate (%) ²	Amount (\$) ¹	Rate (%) ²					
Alabama	66⅓	629	100	173 ³	27.5 ⁴	TT—disability PP/TP—300 weeks				Annual increase in maximum effective 7/1. ⁴
Alaska	80 (of spendable earnings)	875	120	110 to 192 ⁵	22 (of maximum)	Disability			Social Security, portion of qualified pension or profit sharing plan payments received, and portion of employer-paid disability benefits exceeding 100% of employee's spendable weekly wage	TT and PT compensation not payable for periods during which employee receives unemployment benefits unless unemployment benefits are repaid.
Arizona	66⅓	374.01				Disability				Benefits payable monthly. Additional \$25 monthly if 1 or more total dependents, not subject to maximum. If claim was handled in bad faith or was done unfairly, additional benefit of 25% of total or \$500, whichever is greater.
Arkansas	66⅓	488	85	20		TT—450 weeks PT—life ⁶				Maximum effective 1/1. Employer may pay a lump sum equal to present value of all future payments, computed at a discount of no more than 10%. Penalty of 18% for failure to pay without an award; 20% for failure to pay with an award. Benefits are subject to child support.
California	66⅓	840 ⁷		126		104 weeks for most injuries ⁸		TT—after 2 years	Social Security and unemployment compensation	Maximum effective 1/1/05. 50% increased compensation if injury due to employer's serious, willful misconduct. Compensation increased by 10% if undue delay in payment. If injury was caused by employee's intoxication by alcohol or other controlled substance, no compensation is payable.
Colorado	66⅓	697.20	91			TT—disability ⁹ PT—life			Social Security, unemployment compensation, and employer-paid pension plan	Annual maximum effective 1/1. Compensation increased 50% if employer failed to comply with insurance provisions. Compensation decreased 50% if injury results from worker's failure to obey safety regulations or from intoxication.
Connecticut	75 (of after-tax income)	1,005	100	201 ¹⁰	20 (of maximum)	Disability				Annual increase in maximum effective 10/1/05.
Delaware	66⅓	543.53	66⅓ AWW	174.61	33⅓ (of maximum)	Disability			Social Security and employer-funded pension	Annual increase in maximum effective 6/6/05.
District of Columbia	66⅓	1,155.84	100	288.96	25	Disability		PP/PT—effective 1/1, maximum 5%	None for injuries occurring on or after 4/16/99	Annual increase in maximum effective 1/1.

Chart VI—Income Benefits for Total Disability, Cont.

Jurisdiction	Percentage of Wages	Maximum Weekly Payment		Minimum Weekly Payment		Time Limit	Amount Limit (\$)	Automatic Cost-of-Living Increase	Offsets	Notations
		Amount (\$) ¹	Rate (%) ²	Amount (\$) ¹	Rate (%) ²					
Florida	66 $\frac{2}{3}$	683	100	20		All temporary benefits—104 weeks				Annual-based SAWW and maximum effective 1/1. Compensation increased 20% of initial installment if not paid within 7 days after due; \$50 fine for late installments within a 90–95% timely threshold; \$100 if below 90% threshold. Compensation reduced 25% if employee refuses to use safety device. If injury was caused by employee's intoxication by alcohol or other controlled substance, no compensation is payable. ¹¹
Georgia	66 $\frac{2}{3}$	450		45 ²		TT—disability PP—400 weeks			Employer-funded portion of disability plan or wage continuation plan, disability insurance policy contributed to by employee, and unemployment benefits	Increase in maximum and minimum effective 7/1/05. If convicted of misdemeanor offense of receiving and fraudulently retaining benefits, employee is subjected to penalty between \$1000 and \$10,000, 1-year imprisonment, or both. ¹²
Hawaii	66 $\frac{2}{3}$	654	100	164 ³	25	Disability		PT—injuries prior to 1/1/92 and 1/1 of every tenth year thereafter		Annual increase in maximum effective 1/1. Compensation may be increased 20% for failure to pay within 31 days after decision or award or within 10 business days for uncontroverted TT disability case.
Idaho	67	508.50	90	84.75	15	Disability		After 52 weeks or 1/1 of following year		Annual increase in maximum effective 1/1. ¹³ For first 52 weeks, benefit is 67% of worker's wages; after 52 weeks, benefit is 67% of the SAWW. Worker with no wage history receives no less than 15% of SAWW for first 52 weeks, 67% of SAWW thereafter. 8% interest on late payments. If injury was caused by employee's intoxication by alcohol or other controlled substance, no compensation is payable.
Illinois	66 $\frac{2}{3}$	1,078.31	133 $\frac{1}{3}$	404.37 ⁴	PT—50	TT—disability PT—life		PT—7/15 of second year		Semi-annual increases in maximum effective 1/15 and 7/15. TT benefits may be increased \$30 per day, up to \$10,000, for unreasonable delay in payment (delay of 14 days or more). Compensation may be increased 50% for unreasonable or vexatious delay in payment. Compensation may be increased 25% for employer's willful safety violation.

Chart VI—Income Benefits for Total Disability, Cont.

Jurisdiction	Percentage of Wages	Maximum Weekly Payment		Minimum Weekly Payment		Time Limit	Amount Limit (\$)	Automatic Cost-of-Living Increase	Offsets	Notations
		Amount (\$) ¹	Rate (%) ²	Amount (\$) ¹	Rate (%) ²					
Indiana	66 $\frac{2}{3}$	588 ¹⁵		50		500 weeks	294,000			After 500 weeks additional benefits are payable from second injury fund in 150-week increments. TT disability benefits subject to child support withholding.
Iowa	80 (of spendable earnings) ¹⁶	1,226.25	200	0.92 ¹⁷		Disability				Annual increase in maximum effective 7/1/05. Benefits up to 50% if late or stopped without good cause.
Kansas	66 $\frac{2}{3}$	449	75	25		Disability	TT—100,000 PT—125,000 (includes TT) PP—where functional impairment only—50,000		Retirement benefits provided by employer, including Social Security disability; no offset for Social Security disability	Annual increase in maximum effective 7/1. Compensation may be increased up to \$100 per week past due.
Kentucky	66 $\frac{2}{3}$ ¹⁸	631.22	100	126.44	20	Disability; injuries and diseases after 12/12/96, award terminates upon eligibility for old age Social Security benefits			Injuries and dates of last exposure on or after 12/12/96—employer-funded disability or sickness and accident plan covering same disability, unless plan contains an internal offset provision unemployment benefits	
Louisiana	66 $\frac{2}{3}$	438	75	117	20 ¹⁹	TT ¹⁹ and PT—disability			Social Security, unemployment compensation, employer-funded disability, federal and other state workers' compensation	Annual increase in maximum effective 9/1. 12% interest if undue delay in payment. No compensation paid if intoxication was proximate cause of injury.
Maine	80 (of after-tax AWW)	542.40	90			PP/PT—disability TP/TT—364 weeks		Injuries on and after 1/1/93—no provision for automatic cost-of-living adjustment	Employer-funded benefits, old age Social Security, unemployment benefits	Annual increase in maximum effective 7/1. ²⁰ Employee who terminates active employment, is receiving nondisability pension and retirement benefits, and was paid weekly benefits is presumed not to have loss of earnings. May be rebutted because of work-related disability. Employer may be fined up to \$200 per day for failure to pay award within 10 days.
Maryland	66 $\frac{2}{3}$	770	100 SAWW yearly maximum figure	TT—50 ³		TT—disability	PT—45,000	PT—1/1, maximum 5%		Annual increase in maximum effective 1/1; statutory formula utilized.

Chart VI—Income Benefits for Total Disability, Cont.

Jurisdiction	Percentage of Wages	Maximum Weekly Payment		Minimum Weekly Payment		Time Limit	Amount Limit (\$)	Automatic Cost-of-Living Increase	Offsets	Notations
		Amount (\$) ¹	Rate (%) ²	Amount (\$) ¹	Rate (%) ²					
Massachusetts	60	958.58	100	191.72	20	TT—156 weeks PT—260 weeks	²¹	PT—percentage change in most recent annual CPI, not to exceed 5%	Unemployment compensation, pension, and old age Social Security	Annual increase in maximum effective 1/1. Additional \$6 weekly per dependent child if total benefit does not exceed \$150 or 100% of wages. Double compensation if injury due to employer's serious and willful misconduct. ²²
Michigan	80 (of spendable earnings)	706	90	196.08	PT—25	Disability ²³			Disability, unemployment compensation, pension, and old age Social Security ²⁴	Annual increase in maximum effective 1/1. Additional \$50 per day for award unpaid after 30 days, maximum \$1,500.
Minnesota	66⅔	750		130 ²⁵	PT—65	TT—90 days after MMI or after end of retraining, up to a total of 104 weeks of benefits ²⁶		Annual increase to most recent percentage increase in SAWW, up to 2% with first adjustment on fourth anniversary of injury ²⁷	Social Security or other old age and survivor insurance benefits after \$25,000 paid for PT disability and same-injury government disability benefits	Increase in maximum effective 10/1. Late payment increased 25% plus interest if inexcusably delayed.
Mississippi	66⅔	351.14 ²⁸	66⅔ SAWW	25 ²⁹		450 weeks	158,013			Annual increase in maximum effective 1/1. Additional rehabilitation allowance up to \$10 weekly for 52 weeks. If award is not paid within 14 days, 20% penalty added (10% if no award).
Missouri	66⅔	696.97	105	40		TT—400 weeks PT—life	TT—278,788			Annual increase in maximum effective 7/1; benefit set on rate in effect on date of injury; 10% interest for late payments. One-time lump sum award may be reached through a compromise settlement. ³⁰
Montana	66⅔	520	100			TT—disability until MMI or return to work PT—disability until eligible for receiving full retirement benefits from Social Security or alternative system		As of 7/1/03, annual COLA adjustment for PT; no more than percentage increase in SAWW	Social Security	Annual increase in maximum effective 7/1. PT lump sum settlements may be discounted to present value based upon the average rate for U.S. 10-year treasury bills in the previous calendar year.

Chart VI—Income Benefits for Total Disability, Cont.

Jurisdiction	Percentage of Wages	Maximum Weekly Payment		Minimum Weekly Payment		Time Limit	Amount Limit (\$)	Automatic Cost-of-Living Increase	Offsets	Notations
		Amount (\$) ¹	Rate (%) ²	Amount (\$) ¹	Rate (%) ²					
Nebraska	66⅔	600	100	49		TT—disability until MMI or return to work PT—life				Annual increase in maximum effective 7/1. Additional 50% compensation may be due for failure to pay within 30 days of notice of injury where no reasonable dispute exists, or for failure to pay within 30 days from the entry of final order, award or judgment. ³¹
Nevada	66⅔	690.83	150 SAMW			TT—disability PT—life			PT—benefits subject to offset for previously-received PP—lump sum awards	Annual increase in maximum effective 7/1. Listed maximum is for injuries 7/1/05 to 6/30/06. TT benefits payable biweekly; PT payable monthly. PP cannot be received during same period of time.
New Hampshire	60 ³²	1,123.50	150	224.70 ³³	30 ³	Disability		Third anniversary of injury, 7/1 thereafter		Annual increase in maximum effective 7/1. Double compensation if employer violated prior recorded safety standard. Employer not liable for injury if worker was intoxicated by nonprescription controlled substance, unless employer was aware of intoxication.
New Jersey	70	691	75	184	20	TT—400 weeks PT—450 weeks			Social Security	Annual increases to rate if date of injury occurred prior to 1/1/80. After 450 weeks at reduced rate if employed; at full rate if PP or PT.
New Mexico	66⅔	563.32	100	36		PT—life* TT—80% or more, 700 weeks; less than 80%, 500 weeks			Unemployment benefits, wages, and employer-financed disability benefits if offset contractually exists	Annual increase in maximum effective 1/1. 10% additional compensation payable by employer for failure to provide safety device; 10% decrease for failure to use safety device. Up to 25% increase if judge finds unfair claims processing. If award is untimely, judge may order entire balance of award due plus penalties.
New York	66⅔	400		TT—40 PT—40 actual weekly wage if less than 40,000		Disability			Social Security benefits reduced based on workers' compensation awarded	Persons receiving PT benefits may collect full compensation and wages, but not in excess of pre-injury wage base. Provision for collection of full wages and compensation applies only to statutory PT or TT for loss of both eyes, hands, arms, feet, or legs or any 2 thereof. No compensation paid if injury caused solely by intoxication from alcohol or controlled substance or if caused by willful intention to injure oneself or another.

Chart VI—Income Benefits for Total Disability, Cont.

Jurisdiction	Percentage of Wages	Maximum Weekly Payment		Minimum Weekly Payment		Time Limit	Amount Limit (\$)	Automatic Cost-of-Living Increase	Offsets	Notations
		Amount (\$) ¹	Rate (%) ²	Amount (\$) ¹	Rate (%) ²					
North Carolina	66⅔%	730	110	30		TT—disability PT—life				Annual increase in maximum effective 1/1.
North Dakota	66⅔%	604 plus dependents	110	330 ³	60 ³	TT—104 weeks or MMI 260 weeks ³⁵ PT—life or retirement			Social Security disability and Social Security retirement ³⁶	Annual increase in maximum effective 7/1. Additional \$10 weekly per dependent child under 18 or 22 if child attends a full-time educational institution; total benefits may not exceed claimant's net take-home pay.
Ohio	First 12 weeks—72 After 12 weeks or if receiving Social Security benefits—66⅔% ³⁷	First 12 weeks—704 ³	100	TT—234.67 PT—352	TT—33⅓% PT—50	TT—disability ³⁸ PT—life			Employer-funded benefits	Annual increase in maximum effective 1/1. If PT benefit plus Social Security is less than \$301.34 weekly, Disabled Workers' Relief Fund (DWRF) pays lesser of difference between DWRF rate and PT or Social Security; amount increased annually by increase in CPI.
Oklahoma	70	528	100	301		300 weeks				Maximum amounts adjusted every 3 years, based on SAWW. Current rates effective 11/1/05–11/1/08. TT benefits during PT evaluation up to two 52-week periods during participation in retraining or job placement. 10% penalty if award not paid within 10 days after due.
Oregon	66⅔%	948.24	133 ³⁹	50, or 90% of actual wages, whichever is less		TT—disability PT—life	Annually on 7/1		PT—Social Security TP—wages	Up to 25% increase if unreasonable delay in payment.
Pennsylvania	66⅔%	716	100		50, or 90 AWW, whichever is less	TT—disability PT—disability, up to 500 weeks			Unemployment compensation, old age Social Security and certain severance and pension payments	Claimants suffering injuries after 6/24/96 who receive TT for 104 weeks may be required to undergo an impairment rating examination, requested within 60 days following expiration of the 104 weeks of receipt of benefits by insurer, to determine degree of impairment utilizing AMA Guides. A disability rating of less than 50% will result in compensation reduction from total to partial status.

Chart VI—Income Benefits for Total Disability, Cont.

Jurisdiction	Percentage of Wages	Maximum Weekly Payment		Minimum Weekly Payment		Time Limit	Amount Limit (\$)	Automatic Cost-of-Living Increase	Offsets	Notations
		Amount (\$) ¹	Rate (%) ²	Amount (\$) ¹	Rate (%) ²					
Rhode Island	75 (of spendable income)	785 ⁴⁰	110			Disability		Increases effective 5/10 and based on CPI for employees receiving TT/PT for 1 year or TP/PP extending beyond 312 weeks		Annual increase in maximum effective 9/1. Additional \$15 per dependent child under 18; 23 if in an accredited institution. Total benefit may not exceed 80% of preinjury wages. ⁴¹
South Carolina	66 $\frac{2}{3}$	616.48	100	75 ³		500 weeks ⁴²	296,280			Annual increase in maximum effective 1/1.
South Dakota	66 $\frac{2}{3}$	533	100	267	50 ³	TT—disability PT—life		All PT claims		Annual increase in maximum effective 7/1.
Tennessee	66 $\frac{2}{3}$	663 ⁴³	100	99.45		TT—400 weeks PT—age 65	265,200		Social Security disability	Annual increase in maximum effective 7/1. Compensation may be increased 25% for failure to pay claim.
Texas	70 ⁴⁴	540 ⁴⁵	100	81 ⁴⁵	15	TT—104 weeks PT—401 weeks	⁴⁶			Maximum and minimum benefits in effect on date of injury applicable the entire time benefits are payable. Claimant is presumed intoxicated if tests positive for a controlled substance (House Bill 7 of 79th Legislature).
Utah ⁴⁵	66 $\frac{2}{3}$	579	TT—100 PT—85	45		TT/PP—312 weeks ⁴⁷			Social Security	Annual increase in maximum effective 7/1. Additional \$5 if spouse, plus \$5 per dependent child under 18 (up to 4); Total benefit may not exceed maximum. ⁴⁸
Vermont	66 $\frac{2}{3}$	950	150	305 ³	50 ³	Disability ⁴⁹		Annually on 7/1		Annual increase in maximum effective 7/1. Additional \$10 per unmarried dependent child under 21. Total benefits may not exceed preinjury weekly net income or wages. Benefits may be disallowed if injury results from worker's intoxication, intentional injury, or failure to use safety device.
Virginia	66 $\frac{2}{3}$	773	100	193.25	25 ³	TT—500 weeks PT—life	TT—345,500	10/1/05—9/30/06—3.35% 10/1/06—9/30/07—3.45% ⁵⁰		Annual increase in maximum effective 7/1. 20% penalty for failure to pay within 2 weeks after due. Benefits subject to child support withholding.
Washington	60 to 75 (depending on marital status and number of dependents)	900.88 ⁵¹	120 SAMW	43.19 (depending on marital status and number of dependents)				Annually on 7/1	Social Security	Annual increase in maximum effective 7/1. Benefits payable monthly and are 60% of wages, with an additional 5% for spouse and 2% per dependent.

Chart VI—Income Benefits for Total Disability, Cont.

Jurisdiction	Percentage of Wages	Maximum Weekly Payment		Minimum Weekly Payment		Time Limit	Amount Limit (\$)	Automatic Cost-of-Living Increase	Offsets	Notations
		Amount (\$) ¹	Rate (%) ²	Amount (\$) ¹	Rate (%) ²					
West Virginia	66⅔	545.36	100	144.20	33⅓ (subject to federal minimum weekly wage)	TT—104 weeks PT—until age 70 ⁵²	109,576.48		PT—aftertax of self-insurance, wage continuation, and employer-provided disability insurance if no employee contribution to plan or premium	Annual adjustment in maximum and minimum effective 7/1. All but TP/TT payable monthly. ⁵³
Wisconsin ⁷⁵	66⅔	676	100	20		TT—disability PT—life			Social Security	10% interest payable on late payments. Compensation may be adjusted up or down by 15% (up to \$15,000) for failure to use safety device or obey code or order. Employer, insurer, or both may be assessed penalty up to double amount of compensation (up to \$15,000) for bad faith failure to make payments.
Wyoming	66⅔ or SAMW	527 ⁵⁴	⁵⁴	⁵⁴	⁵⁴	TT—24 months PT—life ⁵⁵				Quarterly adjustments in maximum effective 1/1, 4/1, 7/1, and 10/1. Benefits paid monthly.
American Samoa	66⅔ AWW					TP—disability, up to 5 years				
Guam	66⅔	250	66⅔	PT—150 ³		Disability	100,000			Compensation increased 10% for late payment without award; 20% if award.
Puerto Rico	66⅔	65		20		TT—312 weeks PT—disability	24,300 ⁵⁶			Double compensation if employee is under 18 and employed without government permit. Triple compensation for accidents where a health or safety violation was overlooked after due warning had been issued.
Virgin Islands	66⅔	427	66⅔ ⁵⁷	77 ⁵⁷		Disability		After 2 years on 1/1	PT—Social Security	Annual increase in maximum effective 1/1. Total disability benefits begin after medical and vocational rehabilitation end. Compensation increased 15% for injury caused by employer's failure to obey safety order.
FECA	66⅔ or 75	1,548.42	66⅔ or 75 of highest rate for GS-15	239.30	66⅔ or 75 of highest rate for GS-2	TT—disability PT—life		3/1	⁵⁸	Benefits paid every 4 weeks. Annual increase in maximum effective 1/2. Higher percentage payable if 1 or more dependents.
Longshore Act ⁵⁹	66⅔	1,047.16	200 NAWW	261.79 ³	50 NAWW ³	Disability		PT—10/1	Jones Act and other benefits	Annual increase in maximum effective 10/1.
Alberta	90 (of net income)	799.48		275.93						Annual increase in maximum and minimum effective 1/1. PT payable monthly.

Chart VI—Income Benefits for Total Disability, Cont.

Jurisdiction	Percentage of Wages	Maximum Weekly Payment		Minimum Weekly Payment		Time Limit	Amount Limit (\$)	Automatic Cost-of-Living Increase	Offsets	Notations
		Amount (\$) ¹	Rate (%) ²	Amount (\$) ¹	Rate (%) ²					
British Columbia	PT—90 (of net income)	1,080 ⁶⁰	90 (of average net income)	362.75 ³		TT—disability PT—age 65		1/1; based on CPI minus 1%	50% of any CPP benefits	PT benefits are paid on a monthly basis. Maximum annual earnings are \$62,400.
Manitoba	90 (of net average earnings) ⁶¹					To age 65 ⁶⁴	No limit on insurable earnings	First day of month following second anniversary of accident and annually thereafter	CPP benefits, other disability benefits, any payment made by an employer, and employment insurance benefits	Benefits payable periodically.
New Brunswick ⁴	85 (of net earnings)	608.17 ⁶⁶				To age 65 ⁶⁶		Benefits indexed by CPI ⁶⁷ on anniversary of accident	Remuneration or income replacement from an employment source and proportion of CPP benefits with respect to injury	Annual increase in maximum on 1/1. Maximum annual earnings are \$51,900. Benefits payable biweekly.
Newfoundland and Labrador	80 (of weekly net earnings)	526		No minimum		To age 65 ⁶⁸			75% of employer-sponsored pension plan benefits and CPP benefits	PT payable monthly. Maximum annual earnings are \$47,245.
Northwest Territories and Nunavut	90 (of net income)	977.38		413.84 ³		TT—disability PT—life				Benefits payable monthly. Maximum annual earnings \$67,500.
Nova Scotia	First 26 weeks— 75%— 454.93 75 85%— 515.59 ⁶⁸ After 26 weeks—85 (of net loss of earnings)			No minimum		TT/TP—disability ⁶⁹ PP/PT—life		Based on half percentage change in CPI for preceding year, effective 1/1	50% of CPP	Maximum insurable earnings are 140.2% of AIW for province. Additional 5% of long-term disability set aside to provide annuity after age 65.
Ontario	85 (of net average earnings) ⁷⁰	834.94 to 893.70	175% of AIW in Ontario	299.52 ⁷¹		TT—disability PT—life		In accordance with increases in CPI ⁷²		PT payable monthly. Maximum annual earnings are \$69,400.
Prince Edward Island	First 38 weeks—80%— 470.88 After 38 weeks—85%— 500.31					TT—disability PT—life		PP/PT—75% of CPI maximum of 4%	CPP benefits and employer-paid collateral benefits	Payable biweekly. Maximum annual earnings are \$43,300.
Québec	90 (of weighted net income) ⁷³	670.72 to 757.57		237.84 to 258.50		TT—disability ⁷⁴ PT—to age 68		1/1		PT payable biweekly. Maximum annual earnings are \$56,000 effective 1/1/05.
Saskatchewan ⁷⁵	90 (of net income)	951.92 ⁷⁶		324.98 ⁷⁷		TT—disability PT—life		Payments indexed by CPI on anniversary of earnings loss	After 12 months—50% of CPP benefits	Payable monthly. Maximum annual earnings are \$54,000. After 2 years' disability, an amount equal to 10% of compensation is set aside to purchase annuity for benefits after age 65.
Yukon Territory	75 or 100 ⁷⁸	999.67		306.88 ³		Age 65		12 months from date of accident		Maximum assessable earnings are \$69,500.
Canadian Merchant Seamen's Act	75	604.11		156.32		TT—disability PT—life				Benefits payable monthly. Maximum annual earnings \$42,000. Governor-in-Council may raise benefits to level in maritime provinces.

Chart VI—Income Benefits for Total Disability, Cont.

Notes

¹ Amounts are in Canadian Dollars for all Canadian provinces and territories.

² SAWWW, unless noted.

³ Actual wage less Social Security and income tax deduction.

⁴ Alabama—Compensation may be increased up to 15% for failure to pay within 30 days after due. Disqualification may occur if impairment by illegal drugs caused accident. A drug test may be performed after accident. No compensation awarded if employee refuses to submit to drug test.

⁵ Alaska—\$110 without wage documents; \$192 with documents. Spendable weekly earnings if less.

⁶ Arkansas—PT benefits paid during period of PT until the employee reaches age 65. With respect to PT resulting from injuries which occur after age 60, regardless of age of employee, PT benefits are payable for a period of 260 weeks [Ann. § 11-9-522 (f)(1)].

⁷ California—SAWW determines maximum TT in 2007.

⁸ California—For injuries within period of 2 years from date of first payment. Limited exceptions specified for certain injuries and conditions extended to 240 weeks.

⁹ Colorado—TT payments cease when claimant reaches MMI, is released or returns to work, or as otherwise defined by statute and rule.

¹⁰ Connecticut—75% of AWW if less.

¹¹ Florida—If employee refuses to take a drug test, it is presumed that drug use caused the accident.

¹² Georgia—Income payable without award increased 15% if not paid within 21 days of becoming due, unless claim is controverted or board excuses. Awarded benefits increased 20% if not paid within 20 days unless board grants review. No compensation payable if employee was intoxicated or under influence of controlled substance. Blood alcohol reading of .08 within 3 hours of accident or confirmation of controlled substance use within 8 hours of accident creates rebuttable presumption that it was the proximate cause of accident.

¹³ Idaho—If at minimum as of 7/1/91, no children are considered if accident occurred prior to 7/1/91.

¹⁴ Illinois—Minimum TT benefit is \$100.90 if unmarried, up to \$124.30 if 4 or more dependents. In all cases claimant receives actual wage if less.

¹⁵ Indiana—Award increased 5% to 10% if employer loses on court appeal.

¹⁶ Iowa—Elected or appointed officials may choose to have their compensation based on their weekly earnings or receive compensation equal to 140% of SAWWW.

¹⁷ Iowa—Minimum weekly benefit amount for PP, PT, or death is 35% of SAWWW.

¹⁸ Kentucky—80% of AWW during rehabilitation.

¹⁹ Louisiana—TT payable until physical condition of the claimant has resolved itself to the point that a reasonable reliable determination of extent of the disability of claimant may be made and claimant's physical condition has improved to the point that continued, regular treatment by a physician is not required.

²⁰ Maine—For dates of injury 1/1/93 to 12/31/01, threshold is 11.8%; 1/1/02 to 12/31/03, 13.2%; 1/1/04 to date of next adjustment, 13.4%.

²¹ Massachusetts—Maximum limited by weeks

of eligibility rather than dollar amounts.

²² Massachusetts—If no benefits are paid prior to final decision of claim, award is based on benefits in effect at time of decision instead of date of injury. Eligibility for supplementary benefits after 24 months, calculated on 10/1, equal to base benefit times percent increase in SAWWW over SAWWW at time of injury.

²³ Michigan—PT up to 800 weeks from injury, thereafter determined in accordance with facts.

²⁴ Michigan—Benefits reduced if eligible for Social Security and benefits are not being coordinated.

²⁵ Minnesota—Employee's AWW if less.

²⁶ Minnesota—With exception for approved retraining.

²⁷ Minnesota—Different provisions apply to injuries prior to 10/1/95.

²⁸ Mississippi—Lump sum awarded in special cases, equal to present value of future payments.

²⁹ Mississippi—Except in cases of partial disability.

³⁰ Missouri—Compensation increased 15% if injury caused by failure to comply with statute or order; decreased 15% if caused by worker's failure to use safety device. If employer has a drug-free workplace program and the injury was primarily caused by intoxication, employee forfeits right to benefits.

³¹ Nebraska—Injuries caused by employee's intoxication or willful negligence are not compensable, unless covered by willful and unprovoked physical aggression by a co-employee, officer, or director. Lump sum settlements may be discounted to present value upon the basis of interest calculated at 5% per annum with annual rests.

³² New Hampshire—Any claimant who holds 2 jobs concurrently shall have their AWW computed from their 2 salaries, but not to exceed 100% of their after-tax earnings.

³³ New Hampshire—If AWW is 30% or less of SAWWW, employee is compensated at a rate equal to their AWW, but not to exceed 90% of employee's after-tax earnings.

³⁴ New Mexico—Except for total disability resulting from primary mental impairment, in which case the maximum period is 500 weeks.

³⁵ North Dakota—TP benefits in addition to TT benefits; total 7 years.

³⁶ North Dakota—Offset for retirement may not exceed 40% of weekly Social Security benefit. Offset for disability may not exceed 50% of weekly Social Security benefit. If eligible to receive supplemental benefits, claimant may receive minimum of \$330 per week.

³⁷ Ohio—Maximum PT rate is 66% of SAWWW unless claimant receives Social Security, which combined with PT brings maximum up to 100% of the SAWWW.

³⁸ Ohio—After 200 weeks claimant examined to determine if disability is permanent. Claimant who receives an initial award of 90 days TT compensation will be required to be examined by bureau to determine continued eligibility for compensation, rehabilitation and medical treatment.

³⁹ Oregon—Effective for injury dates on or after 1/1/02; prior injury 100% SAWWW.

⁴⁰ Rhode Island—Total award (TT and payments

to dependents) may not exceed 80% of AWW.

⁴¹ Rhode Island—No compensation for TP if worker is earning preinjury wages. Lump sum benefits available after benefits have been received for 6 months. Dependency allowance may be increased if number of dependents increases during time employee is receiving weekly benefits. Medical review is required 26 weeks from date of compensable injury.

⁴² South Carolina—Person who is paraplegic, quadriplegic, or has suffered brain damage shall receive PT benefits for life. Commission may not order lump sum payment in such cases.

⁴³ Tennessee—Weekly rate applies to PP/PT; paid from date injury is determined to be permanent. TT/TP benefits raise cap on weekly compensation rates to 105% of SAWWW or \$670 for injuries sustained on 7/1/04 to 6/30/05, and 110% of SAWWW or \$729 for injuries sustained on or after 7/1/05.

⁴⁴ Texas—75% if earning less than \$8.50 per hour for first 26 weeks; 70% thereafter.

⁴⁵ Texas—9/1/05 to 9/30/06. On and after 10/1/06 SAWWW will be 88% of AWW in covered employment. By rule, commissioner may increase this percentage up to 100%.

⁴⁶ Texas—For life in cases of amputation or paralysis of 2 limbs, loss of vision in both eyes, third degree burns over 40% of body and requiring skin grafts, or permanent insanity or imbecility at rate of 75% of AWW. 3% annual increase granted for lifetime income.

⁴⁷ Utah—PT beyond 312 weeks is payable from Employers' Reinsurance Fund, minimum 36% of SAWWW. Employers and carriers have lifetime responsibility for injuries occurring after 7/1/94.

⁴⁸ Utah—Compensation provided by Utah Workers' Compensation Act reduced 15% if injury caused by willful failure of employee to use safety devices when provided by employer or to obey any order or reasonable rule adopted by employer for the safety of employee. Disability compensation may not be awarded under the Utah Occupational Disease Act when major contributing cause of employee's injury is use of illegal substances, intentional abuse of prescribed drugs, intoxication from alcohol with a blood or breath alcohol concentration of .08 or greater. For purposes of Subsection 2 of the Occupational Disease Act, it is presumed that the major contributing cause of employee's injury is employee's conduct described in subsection s2-b-i to iii if at time of injury as shown by a chemical test. The presumption created under Subsection 3-a may be rebutted by evidence.

⁴⁹ Vermont—Prior to terminating TT payments, employer must notify employee who has not successfully returned to work (unless employee successfully returns to suitable employment) and the commissioner. Notice of payment discontinuation must include date, documented reason for discontinuation, and supporting evidence. PT benefits payable at least 330 weeks, after temporary disability benefits cease. After 330 weeks, PT benefits continue while there is lost earning capacity.

⁵⁰ Virginia—Recipient of Social Security may be eligible for cost-of-living increases.

⁵¹ Washington—Maximum monthly benefits are \$3,903.80, effective 7/1/05 to 6/30/06.

⁵² West Virginia—All awards with dates of injury

Chart VI—Income Benefits for Total Disability, Cont.

Notes, Cont.

before 5/12/95 and awarded before 7/1/03, until death. If date of injury is on or after 5/12/95 and award is before 7/1/03, until claimant attains age 65. All awards made on or after 7/1/03, until claimant attains age 70, regardless of date of injury. Rate adjustment not applicable to PT awards with injuries after 5/10/95 or to any award made on or after 7/1/03.

⁵³ West Virginia—Employees of the state or any of its subdivisions may not simultaneously receive temporary workers' compensation benefits and sick/vacation pay.

⁵⁴ Wyoming—Benefits paid monthly, maximum is SAMW. SAMW changes quarterly. Worker's benefits are capped by SAMW at time of injury. PT benefits are based on a percentage of the worker's actual monthly earnings, not to exceed SAMW.

⁵⁵ Wyoming—PT benefits are awarded for 80 months. Extensions must be filed yearly and are approved by the division.

⁵⁶ Puerto Rico—May be paid in monthly installments of \$65 to \$200 for life; if converted to lump sum payment, up to \$24,300.

⁵⁷ Virgin Islands—During vocational rehabilitation, income benefits are 75% of AWW, maximum SAWW, minimum \$75 or actual wage if less.

⁵⁸ FECA—Election required if benefits from Civil Service Retirement and Disability Fund (CSRA) or Federal Employees' Retirement System (FERS) are payable. In addition, individuals who receive Social Security benefits due to Federal Service are subject to offset.

⁵⁹ Longshore Act—Effective 9/29/84. Non-appointed Fund Instrumentalities Act employees subject to same maximum and minimum weekly

rates as employees covered under Longshore Act.

⁶⁰ British Columbia—Based on \$62,400 maximum wage (RSCM 69.00).

⁶¹ Manitoba—Net average earnings minus probable deductions for income tax, CPP Contributions and Employment Insurance Premiums. The tax-free status of WCB benefits is also considered.

⁶² Manitoba—There is no ceiling or cap on insurable earnings for accidents occurring after 12/31/05.

⁶³ Manitoba—Injured workers earning less than minimum annual earnings will receive wage loss benefits based on 100% of net average earnings. In 2006, minimum annual earnings level is set at \$15,600. Workers who earn slightly above \$15,600 will have their wage loss benefits based on the higher of 90% of worker's actual net average earnings or 100% of net average earnings based on a minimum wage income level (\$15,600).

⁶⁴ Manitoba—Injured workers who are 61 years of age are eligible to receive wage loss benefits until they are fit to return to work or 48 months, whichever comes first.

⁶⁵ New Brunswick—For single worker; \$63783 if married.

⁶⁶ If 63 or older at time of injury, 2 years of benefits.

⁶⁷ New Brunswick—CPI calculated based on Statistics Canada information from July to June of each year.

⁶⁸ Nova Scotia—TD Code 1.

⁶⁹ Nova Scotia—Until loss of earnings ends, no longer resulting from injury, or worker reaches ages 65.

⁷⁰ Ontario—Net average earnings are gross wages minus probable income taxes, CPP premi-

ums, and unemployment insurance. Lower figure if single, higher figure if married with 1 child.

⁷¹ Ontario—Or actual net average earnings, whichever is less.

⁷² Ontario—CPI paid on PT future economic loss benefits, and full loss of earnings. All other income benefits are indexed according to 50% of CPI-1%, not less than 0, not more than 4%.

⁷³ Québec—Gross income less federal and provincial income tax net of credits established in relation to family situation of worker, unemployment insurance premiums, and contributions to Québec Parental Insurance Plan.

⁷⁴ Québec—Income replacement indemnity is reduced by 25% at age 65, 50% at age 66, and by 75% at age 67.

⁷⁵ Saskatchewan—Figures could not be confirmed at time of publication.

⁷⁶ Saskatchewan—For worker with dependent spouse and 2 dependent children. Maximum earnings ceiling increased by \$1,000 if 10% of workers injured in preceding year earn in excess of maximum. For injuries occurring on and after 9/1/85, the maximum assessable wage rate is \$48,000. For injuries occurring before 9/1/2005, the maximum assessable wage rate is \$55,000.

⁷⁷ Saskatchewan—Minimum compensation is either \$324.98 per week (in 2005) or the deceased workers' average earnings, whichever is less.

⁷⁸ Yukon Territory—Injured workers who earn equal to or less than \$16,000 will receive wage loss benefits which equal 100% of their gross salary. If earning more than \$16,000, an injured worker will receive 75% of their gross salary or \$16,000, whichever is greater.

Chart VII—Income Benefits (\$) for Scheduled Injuries¹

Jurisdiction	Arm at Shoulder	Hand	Thumb	First Finger	Second Finger	Third Finger	Fourth Finger	Leg at Hip	Foot	Great Toe	Other Toes	Hearing		
												One Eye	One Ear	Both Ears
In this group of jurisdictions, compensation for temporary disability is allowed in addition to allowance for scheduled injury.														
Alabama ²	48,840	37,400	13,640	9,460	6,820	4,840	3,520	44,000	30,580	7,040	2,420	27,280	11,660	35,860
Alaska	No Schedule. Benefits are \$177,000 multiplied by the percentage of whole person rating according to AMA Guides to the Evaluation of Permanent Impairment, 5th edition													
Arizona ⁴	79,200	66,000	19,800	11,880	9,240	6,600	5,280	66,000	52,800	9,240	3,300	39,600	26,400	79,200
Arkansas ⁴	119,072 ⁵	89,304	26,718	15,738	13,542	8,784	6,954	89,792 ⁵	63,928 ⁵	11,712	4,026	51,240	20,496	77,104
California ⁶	142,898 ⁷	75,515 ⁷	21,010	8,415	8,415	3,960	3,960	61,435 ⁸	28,820	3,960	660 ⁹	17,714 ¹⁰	5,280	58,080
Colorado ¹¹	45,639.36	22,819.68	7,679.70	3,949.56	2,852.46	1,535.95	1,974.78	45,639.26	22,819.68	3,949.56	877.68	30,499.38	7,679.70	30,499.38
Connecticut ¹²	163,488	132,048	49,518	28,296	22,794	16,506	13,362	121,830	98,250	22,008	7,074	123,402	27,510	81,744
Delaware	135,882.50	119,576.60	40,764.75	135,882.50	21,741.20	16,305.90	10,870.60	40,766.25	86,964.80	21,741.20	8,152.95	108,706	40,766.25	95,121.25
District of Columbia ¹³	270,467	211,519	65,883	40,454	26,584	21,961	13,870	249,661	177,999	33,519	13,870	138,701	45,078	173,376
Florida	No schedule; benefits are paid according to degree of impairment ¹⁴													
Georgia	101,250	101,250	72,000	27,000	18,000	15,750	13,500	11,250	60,750	13,500	9,000	33,750	67,500	67,500
Hawaii ¹⁵	204,048	159,576	49,050	30,084	19,620	16,350	9,810	188,352	134,070	24,852	10,464	91,560 ¹⁶	34,008	130,800
Idaho ¹⁷	89,596.04	80,636.54	32,852.54	20,906.54	16,426.79	16,426.79	7,467.29	59,731.04	41,812.04	12,544.34	2,091.59	52,264.79	1.04	52,264.79
Illinois ¹⁸	315,597	199,878	73,639	42,080	36,820	26,300	21,040	289,297	163,058	36,820	12,624	168,318	28,394 ¹⁹	113,574
Iowa	282,000	214,320	67,680	39,480	33,840	28,200	22,560	248,160	169,200	45,120	16,920	157,920	56,400	197,400
Maine	Specific loss law provides set number of weeks at employee's total compensation rate for loss of body parts, whether worker actually loses that much time from work or not; employer may offset specific loss by amount of incapacity benefits previously paid													
Maryland	²⁰													
Massachusetts	Benefits are paid according to degree of impairment in Section 36 of published guidelines													
Minnesota	Benefits are paid according to degree of impairment, mostly set out in PP schedule rules ²¹													
Mississippi	70,228	52,671	21,068	12,289	10,534	7,022	5,267	61,449	43,892	10,534	3,511	35,114	14,045	52,671
Missouri ²²	84,699	63,889	21,904	16,428	12,778	12,778	8,032	75,572	56,587	14,603	5,111	51,111	17,889	65,714
Montana	No schedule; benefits are paid according to degree of impairment, age, education, wage loss, and lifting restriction ²³													
Nebraska ²⁴	135,000	105,000	36,000	21,000	18,000	12,000	9,000	129,000	90,000	18,000	6,000	75,000	30,000 ²⁵	60,000 ²⁶
Nevada ²⁶	No schedule for injuries arising after 1973 ²⁸													

Chart VII—Income Benefits (\$) for Scheduled Injuries, Cont.¹

Jurisdiction	Arm at Shoulder	Hand	Thumb	First Finger	Second Finger	Third Finger	Fourth Finger	Leg at Hip	Foot	Great Toe	Other Toes	Hearing		
												One Eye	One Ear	Both Ears
New Hampshire ²⁷	235,935	212,341	85,386	52,804	42,693	21,346	10,111	157,290	110,103	20,223	3,370	94,374	33,705	138,190
New Jersey ²⁸	166,980	101,430	13,800	9,200	7,360	5,520	3,680	159,390	84,640	7,360	2,760	64,400	11,040	64,400
New Mexico	Schedule is based on a percentage of total disability for a number of weeks ²⁸													
North Carolina ³⁰	175,200	146,000	54,750	32,850	29,200	18,250	14,600	146,000	105,120	25,550	7,300	87,600	51,000	109,500
North Dakota	Benefits are paid according to degree of impairment, mostly set out in PP schedule rules ³¹													
Ohio ³²	158,400	123,200	42,240	24,640	21,120	14,080	10,560	140,800	105,600	21,120	7,040	88,000	17,600	88,000
Oklahoma ³³	79,475	63,580	19,074	11,271	9,537	6,358	4,913	79,475	63,580	9,537	3,179	79,475	31,790	95,370
Oregon ³⁴	187,858	160,099	91,769	768,228	74,686	66,145	64,010	160,099	149,423	72,551	61,874	125,934	100,310	187,858
Rhode Island ³⁵	Benefits are paid based on number of weeks set out in RIGL §28-33-19													
South Carolina	135,625.60	114,048.80	40,071.20	24,659.20	21,576.80	15,412.00	12,329.60	120,213.60	86,307.20	21,576.80	6,164.80	86,307.20	49,318.40	10,171.92
South Dakota	106,600	79,950	26,650	18,655	15,990	10,660	7,995	85,280	66,625	75,990	5,330	79,950	26,650	79,950
Tennessee ³⁶	132,600	99,450	39,780	23,205	19,890	13,260	9,945	132,600	82,875	19,890	6,630	66,300	49,725	99,450
Texas ³⁰	No schedule; benefits are paid according to degree of impairment as calculated based on AMA Guides to the Evaluation of Permanent Impairment, 4th Edition ³⁷													
Utah ³⁸	88,508	68,208	27,202	17,052	13,804	6,902	3,248	63,336	35,728	10,556	1,624	48,720	22,127	44,254
Vermont	No schedule; benefits are paid according to degree of impairment as calculated based on AMA Guides to the Evaluation of Permanent Impairment, 5th Edition													
Virginia ³⁹	147,200	110,400	44,160	25,760	22,080	14,720	11,040	128,800	92,000	22,080	7,360	73,600	36,880	73,600
Washington ⁴⁰	95,132.97	85,624.14	34,249.67	21,406.04	17,124.80	8,562.42	4,281.17	95,137.97	33,298.32	19,978.99	7,293.91	38,055.16	12,685.04	76,110.40
West Virginia ⁴¹	88,504.80	73,754	29,501.60	15,470.80	10,325.56	7,375.40	7,375.40	88,504.80	51,627.80	14,750.80	5,900.32	48,677.64	33,189.30	81,129.40
Wisconsin ⁴²	121,100	96,000	38,720	14,520	10,870	6,252	6,776	121,000	60,500	20,167	6,050 ⁴³	66,500	13,310 ⁴⁴	79,860 ⁴⁴
Wyoming	No schedule; benefits are paid as calculated based on AMA Guides to the Evaluation of Permanent Impairment													
American Samoa ⁴⁵	312 weeks	244 weeks	75 weeks	46 weeks	30 weeks	25 weeks	15 weeks	288 weeks	205 weeks	30 weeks	16 weeks	160 weeks		
Guam	70,000	53,000	12,750	7,000	4,500	4,250	1,750	62,000	43,250	6,500	2,000	35,000	13,000	50,000
Puerto Rico	12,000	12,000						12,000	11,375				3,250	12,000
Virgin Islands ⁴⁷	Benefits for PP shall be 66⅔% of AWW pursuant to statutory schedule in accordance with degree of impairment													
FECA ⁴⁸	466,302	364,672	112,092	68,749	44,836	37,364	22,184	430,433	306,384	56,793	23,912	239,129	77,717	298,912
Longshore Act	321,603	251,510	77,309	47,416	30,923	25,770	15,462	296,865	211,310	39,170	16,492	164,925	53,601	206,156

Chart VII—Income Benefits (\$) for Scheduled Injuries, Cont.¹

Jurisdiction	Arm at Shoulder	Hand	Thumb	First Finger	Second Finger	Third Finger	Fourth Finger	Leg at hip	Foot	Great Toe	Other Toes	Hearing		
												One Eye	One Ear	Both Ears
Alberta ⁴⁸		50%								0.5% each		5%	5%	30%
British Columbia ⁵⁰	70%	54%	16% to 20%	4%	4%	2.5%	2.5%	65%	25%	2.5% to 5%	0.5% ⁵¹	16%	3%	Non-Traumatic—15% Traumatic—30%
Manitoba ⁵²	70%	50 to 60%	20%	5%	4%	3%	2.5%	65%	10 to 25%	2.5%	.5% each 0	16%	5%	30%
	80,500	55,700 to 68,100	20,600	5,150	4,120	3,090	2,060	74,300	10,300 to 25,750	2,060		16,480	5,150	30,900
Nova Scotia	No schedule for injuries arising on or after 1/1/00; benefits are paid based on AMA Guides to the Evaluation of Permanent Impairment, 4th Edition													
Prince Edward Island	No schedule; benefits are paid at a rate of \$433 each 1% of impairment based on AMA Guides to the Evaluation of Permanent Impairment, 4th Edition													
Saskatchewan	70%	50%	20%	5%	4%	3%	2%	65%	25%	5%	1%	16%	5%	Non-traumatic—30% Traumatic—60%
Yukon Territory	No schedule; benefits are calculated based on AMA Guides to the Evaluation of Permanent Impairment, 4th Edition. Rate adjusted by flat salary and age													
In this group of jurisdictions, compensation for temporary disability is allowed in addition to scheduled injury with certain limitations as to period.														
Indiana ⁵³	86,500	62,500	16,000	10,400	9,100	7,800	5,200	74,500	50,500	16,000	2,600 to 7,800 ⁵⁴	50,500	20,500	62,500
New York ⁵⁵	124,800	97,600	30,000	18,400	12,000	10,000	6,000	115,200	82,000	15,200	6,400	64,000	24,000	60,000
Pennsylvania	Injured employees are compensated for scheduled losses based upon a percentage of employee's preinjury wage multiplied by statutory period established for loss in question													
In this group of jurisdictions, compensation for temporary disability is deducted from the allowance for scheduled injury.														
Kansas ⁵⁶	100,000	70,050	28,020	17,279	14,010	9,340	7,005	93,400	58,375	14,010	4,670	56,040	14,010	51,370
Kentucky ⁵⁷	No schedule; PP benefits are paid at 66⅔% of wages according to degree of disability—425 weeks if disability is 50% or less or 520 weeks if disability is greater than 50%													
Louisiana ⁵⁸	Schedule is based on 66⅔% of wages for a number of weeks ⁵⁹													
Michigan ⁶⁰	189,914	151,790	45,890	26,828	23,298	151,532	11,296	151,790	114,372	23,298	7,766	114,372	61	61

Chart VII—Income Benefits (\$) for Scheduled Injuries, Cont.

Notes

¹ Amounts in chart reflect maximum potential entitlement. In Canada, permanent physical impairments generally are compensated by degree of disability using medical rating schedules as guidelines.

² Alabama—Maximum weekly PP benefit is lesser of \$220.00 or 100% SAWW. Compensation is allowed for both temporary disabilities and PP scheduled injuries, but not at the same time.

³ Arizona—Benefits based on \$2,400.00 wage. Total loss payable at 55% of \$2,400 (monthly payment of \$1,320).

⁴ Arkansas—Maximum PP rate is 75% of maximum total disability rate (\$366 effective 1/1/06).

⁵ Arkansas—Entire/whole member (of body) receives TT, not PP, rate.

⁶ California—For injuries after 1/1/05, maximum PP disability benefit is as follows: 1 to 69%—\$220 per week, 70 to 99%—270 per week (Labor Code 4453(b) (6–7)).

⁷ California—Assumes injury to major part and that reasonably satisfactory use of a prosthesis is not possible. Amount excludes life pension benefits.

⁸ California—Loss of leg at or above knee, reasonably satisfactory use of prosthesis possible.

⁹ California—Assuming loss of all except great toe.

¹⁰ California—Assuming ability to wear artificial eye; \$7,535 to \$31,900 (AMA Guides indicate standard rating of 10–29% WPI for loss of an eye).

¹¹ Colorado—Effective 7/1/04, the compensation rate for scheduled injuries is \$219.42 per week. Each succeeding 7/1, the compensation rate is modified for injuries arising on and after such date by the same percentage increase or decrease as the state AWW. When an injury results in total loss (or loss of use) of an arm at the shoulder, a forearm at the elbow, a hand at the wrist, a leg at the hip, or so near as to preclude use of an artificial limb, loss of a leg at or above the knee where the stump remains sufficient to permit the use of an artificial limb, a foot at the ankle, an eye, or a combination of any such losses, benefits shall be calculated as medical (or whole person) impairment. Medical impairment benefits are calculated by multiplying medical impairment rating by an age factor set forth in statute times 400 weeks and multiplied by TT rate.

¹² Connecticut—Commission may award additional benefits based on loss of earnings.

¹³ District of Columbia—Figures represent a 25% reduction of the stated period of weeks listed in the Act for injuries occurring on or after 4/16/99.

¹⁴ Florida—Sliding scale of weeks depending upon impairment rating. Injured workers not receiving wages equal to or greater than preinjury wage are compensated at 75% of previous wage. Those employed at preinjury wage are compensated at half that value.

¹⁵ Hawaii—In cases in which disability is determined as a percentage of total loss or impairment of physical or mental function of the whole person, maximum compensation is the

corresponding percentage of 312 times 100% SAWW.

¹⁶ Hawaii—Figure represents benefit for loss of vision. For loss of an eye by enucleation, benefit is \$99,520.

¹⁷ Idaho—Maximum weekly PP benefit is 55% of the SAWW for year in which injury occurred.

¹⁸ Illinois—For PP benefits, wage replacement is 60%. Figures reflect benefits for amputation of a member and enucleation of an eye—maximum is 133½% of SAWW (\$1,078.31 effective 1/1/06). For other PP benefits, maximum is \$591.77 effective 7/1/05–6/30/06. Hearing loss is \$28,394.

¹⁹ Illinois—Figure reflects amount under the Workers' Compensation Act, 50 weeks maximum. Under the Workers' Occupational Diseases Act, \$56,787 and 100 weeks maximum.

²⁰ Maryland—Maximum weekly PP benefit is \$114 where benefits are payable for less than 75 weeks (lower PP tier); 66½% of AWW, not to exceed ½ of SAWW, where benefits are payable for 75 weeks but less than 250 weeks (middle PP tier); and 66½% of AWW not to exceed 75% of SAWW where benefits are payable for 250 weeks or more (serious disability). If claimant is a public safety employee or the injury for which PP is sought is to the thumb, fingers or great toe, rate of PP is the middle tier formula; lower tier maximum rates for claims occurring on or after 1/1/88—\$80.00; on or after 1/1/89—\$82.50; on or after 1/1/93—\$94.00. Claims occurring prior to 1/1/88, all PP awards with a duration of less than 250 weeks are paid at the rate of ½ AWW, not to exceed a maximum of ½ SAWW.

²¹ Minnesota—PP disability equals scheduled dollar amount (\$75,000 to \$515,000) times percentage of whole body disability. Concurrent payment of PP disability and temporary partial benefits allowed.

²² Missouri—Totals are rounded. PP benefit is 55% of SAWW; minimum \$40. If amputation or 100% loss of use, additional 10% compensation. Benefits set at rate on date of injury.

²³ Montana—Maximum partial disability benefit is 50% of SAWW.

²⁴ Nebraska—Terms run consecutively for loss of, or loss of use of, more than 1 member but less than total disability.

²⁵ Nebraska—PT loss of hearing is compensated as PT disability.

²⁶ Nevada—Some PT loss receives 100% of TT benefit until death. There is also a schedule for the loss or permanent damage of teeth (NAC 616C.508).

²⁷ New Hampshire—If injury results in more than 1 specified body part or is to the spinal column or spinal cord, is to the brain, or involves scarring, disfigurement, or other skin impairment resulting from a burn or burns, an award shall be made to the whole person using 350 weeks as the maximum. Maximum weekly payment is \$1,069.50 times the number of weeks specified.

²⁸ New Jersey—There is an additional payment of 30% of award where there has been amputation of a major member (arm, hand, leg, or foot). Compensation is payable weekly at 70% of preinjury weekly wages, up to a maximum of 55% of SAWW for arm or leg, 45% of SAWW for hand, 40% of SAWW for foot or 1 eye, 35% of

SAWW for hearing (both ears), 20% of SAWW for other scheduled injuries in chart.

²⁹ New Mexico—Benefits are a percentage of the compensation rate times the number of weeks specified for each injury in the statute schedule § 52–1–43. Effective 1/1/2004, maximum weekly payment is \$549.37.

³⁰ North Carolina—For unscheduled injuries, maximum compensation is \$20,000.

³¹ North Dakota—PP impairment benefit is 33½% of SAWW for a scheduled number of weeks. Impairments are paid as a lump sum and are not based on any disability of injured worker.

³² Ohio—Maximum weekly PP benefit is 33½% of SAWW, payable for a maximum of 200 weeks at a rate of 2 weeks for each percentage of the PP percentage.

³³ Oklahoma—Figures for injuries occurring from 11/1/05–10/31/08. For injuries occurring on or after 1/1/03, if the shoulder or hip is involved disability is considered to be to the body as a whole, \$132,000.

³⁴ Oregon—For injuries occurring on or after 1/1/05, WPI calculated at 100 times SAWW (currently \$712.96) per each 1% of impairment; if worker has not returned to regular work, work disability which is impairment as modified by the factors of age, education, and adaptability to perform a given job (maximum of 142%) multiplied by 150 times the worker's weekly wage but no more than 133% (currently \$948.24) nor less than 50% (currently \$356.48) of SAWW.

³⁵ Rhode Island—Maximum scheduled PP benefit is 50% of AWW. \$90 weekly; minimum \$45.

³⁶ Tennessee—Schedule is based on a set number of weeks. Maximum weekly benefit is 66½% of employee's AWW. Figures are maximums for 7/1/05 to 6/30/06.

³⁷ Texas—For injuries occurring on or after 1/1/91, there is no schedule of benefits. PP benefits paid according to degree of impairment and loss of earnings.

³⁸ Utah—Maximum per week, including allowance for dependents, is 66½% of SAWW. Presumes total loss of hearing in 1 ear and no loss of hearing in the other (54½ weeks).

³⁹ Virginia—Benefits for scheduled injuries payable in addition to compensation for temporary disability. *County of Spotsylvania v. Hart*, 218 Va. 565, 238 S.E.2d 813 (1977). TT disability payments continue until claimant is released to return to work, at which time award for specific disability may be entered and paid simultaneously with payment for TP benefits.

⁴⁰ Washington—Amounts are adjusted annually on 7/1 to reflect percentage changes in CPI. All scheduled injury benefits reported are the amputation or total loss values for scheduled injuries.

⁴¹ West Virginia—For injuries after 7/1/2003, maximum weekly benefit is 70% SAWW.

⁴² Wisconsin—Effective 1/1/05, maximum weekly PP benefit is \$242.

⁴³ Wisconsin—Third, fourth, and fifth toes \$4,840.

⁴⁴ Wisconsin—Under occupational hearing loss law, maximum is \$8,712 for 1 ear and \$52,272 for both ears as of 1/1/05.

Chart VII—Income Benefits (\$) for Scheduled Injuries, Cont.

Notes, Cont.

⁴⁵ American Samoa—Benefits in weeks of AWW.

⁴⁶ Puerto Rico—Permanent visual disability compensated according to percentage of total disability; in addition, loss of eye by enucleation evisceration or extreme atrophy compensated at additional 10% of PT.

⁴⁷ Virgin Islands—PP benefit is 66⅔% of SAWW. For loss of 2 or more digits or 1 or more phalanges of 2 or more digits on a hand or foot, benefits may be proportioned to loss of use of the hand or foot.

⁴⁸ FECA—Includes allowances for dependents. Maximum weekly benefit is \$1,548.42.

⁴⁹ Alberta—Dual-award system adopted 1/1/95. Benefits are based on percentage of WPI. The 2006 maximum is \$74,047 for 100% PML. Wage loss benefits (economic loss payments) are paid only when the compensable injury results in work restrictions that impair worker's earning capacity. Earnings are insured to a maximum of \$63,300 gross earnings. Wage loss benefits are 90% of net earnings, calculated in accordance with the Alberta WC Act and regulations, or as a proportionate part thereof, according to loss of earning capacity attributable to injury. Economic loss payments for loss of earning capacity are paid for as long as loss continues and are adjusted annually for cost-of-living. At retirement age (age 65 or later, depending on individual circumstances), the economic loss payment is adjusted using a formula similar to a standard employment pension plan calculation, and the adjusted amount is paid for the rest of worker's lifetime.

⁵⁰ British Columbia—Percentages are applied to 90% of net average monthly earnings, with resulting amount payable monthly until retirement age and adjusted by CPI annually on 1/1. Additional percentages may apply for bilateral impairment and age adaptability.

⁵¹ British Columbia—0.5% with additional and 0.5% with metatarsal. Little toe with metatarsal is 2%.

⁵² Manitoba—Dual-award system in 1992. Separate benefits are paid to workers for permanent impairment and loss of earnings. The first line shows degree of impairment; the second line shows level of impairment benefit. The level of the impairment award is based on a 2005 accident date and a 45-year-old worker.

⁵³ Indiana—For injuries occurring after 7/1/97. Amounts provided are for loss of use; loss by separation results in a doubled award. Indiana can conduct an assessment of up to 1.5% any time the fund drops below \$1,000,000 on or before 10/1. Effective after 6/30/01, PP based on degree of injury: 1–10, \$1,300; 11–35, \$1,500; 36–50, \$2,400; 51–100, \$3,000. Impairment awards subject to child support withholding.

⁵⁴ Indiana—Figures reflect range from fifth to second toe based on degree calculations.

⁵⁵ New York—\$400 maximum does not relate to protracted healing period. Additional compensation due to loss of 50% or more of member applies only to loss of arm, leg, hand, or foot and only if impairment of earning capacity is due solely to such loss.

⁵⁶ Kansas—Maximum weekly PP benefit is 75% of SAWW. Additional healing period up to 15 weeks may be allowed, for amputations only.

⁵⁷ Kentucky—For injuries occurring on or after 7/14/02, degree of disability is determined by AMA Guides. Benefits for PP disability benefits are calculated by multiplying 66⅔% of the employee's preinjury AWW (not to exceed 75% of SAWW) times permanent disability rating. The multiplying factors are specifically set out by statute and the factor used is based on the AMA functional impairment rating. The benefit may not exceed 99% of 66⅔% of employee's AWW or 75% of SAWW, whichever is lower. When an

employee lacks the physical capacity to return to the type of work performed at the time of the injury, the maximum benefit may increase to 100% of SAWW. For injuries subsequent to 7/14/02, if employee does not retain the physical capacity to return to the type of work performed at the time of injury, employee is entitled to 3 times the benefit to which he would otherwise be entitled. Additional factors may come into play based on the employee's age and education level. In addition, if an employee returns to work at the same or greater wage, during any period of cessation of this work for any reason, employee is entitled to 2 times the benefit to which he would otherwise be entitled. Hearing loss for dates on or after 12/12/96 require at least a finding of 8% functional impairment (AMA Guides) in order to be found to be compensable.

⁵⁸ Louisiana—Schedule applies to amputation or disability greater than 25%. Supplemental earnings benefits equal 66⅔% of the difference between AWW (4 weeks prior to injury) and post-injury earnings subject to maximum earned while disabled. Supplemental earnings benefits are available to those who earn less than 90% of preinjury wages, maximum 520 weeks, ceasing 2 years after termination of TT disability (unless paid for 13 consecutive weeks during that time) or upon retirement or receipt of Social Security retirement benefits.

⁵⁹ Louisiana—Arm—200 weeks; hand—150 weeks; thumb—50 weeks; first finger—30 weeks; second, third, and fourth fingers—20 weeks; leg—175 weeks; 1 eye—100 weeks; 1 ear—0 weeks; both ears—100 weeks.

⁶⁰ Michigan—Wage-loss benefits payable for life.

⁶¹ Michigan—Hearing loss compensable based on lost earnings.

Chart VIII—Fatalities: Income Benefits for Spouse and Children

Jurisdiction	Percentage of Wages			Maximum Per Week			Minimum Per Week			Amount Limit ¹		
	Spouse Plus Children	Spouse Only	One Child Only	Spouse Plus Children (\$)	Spouse Only (\$)	Spouse Only (\$)	Spouse Only (\$)	Spouse Only (\$)	Time Limit	Spouse Plus Children (\$)	Spouse Only (\$)	Maximum Burial Allowance (\$)
Alabama	66 ² / ₃	50	50	629 ²	629 ²	173 ²	173 ²	500 weeks ²⁸				3,000 ⁹
Alaska	90 [*]	80 ⁹	100	875 ⁹	875 ⁹	192 ⁹	192 ⁹					5,000
Arizona	66 ² / ₃	66 ² / ₃	25	369.25	369.25							5,000
Arkansas	66 ² / ₃	35	50	488	488	20	20					6,000
California	66 ² / ₃	66 ² / ₃	66 ² / ₃	840	840	224	224			160,000 ¹⁰	125,000	5,000
Colorado	66 ² / ₃	66 ² / ₃	66 ² / ₃	697.20	697.20	174.30	174.30					7,000 ¹¹
Connecticut	75 (of after-tax income)	75 (of after-tax income)	75 (of after-tax income)	1,005 ¹²	1,005 ¹²	20 ¹²	20 ¹²					4,000
Delaware	80	66 ² / ₃	66 ² / ₃	652.23 ¹³	543.53	181.18	181.18					3,500 ¹⁰
District of Columbia	66 ² / ₃	50	50	1,155.84 ¹⁷	1,155.84 ¹⁷	288.96 ¹⁷	288.96 ¹⁷					5,000
Florida	66 ² / ₃	50	33 ¹ / ₃	683 ¹⁸	683 ¹⁸	20	20	None up to maximum ¹⁹		150,000	150,000	7,500
Georgia	66 ² / ₃	66 ² / ₃	66 ² / ₃	450 ²⁰	450 ²⁰	45 ²¹	45 ²¹	400 weeks ^{21,14}			125,000	7,500
Hawaii ²³	66 ² / ₃	50	40	654 ²⁴	490.48 ²⁴	164 ²⁴	164 ²⁴					9,810 ²⁵
Idaho ²⁶	60	45	5	271.50 ²⁷	244.35 ²⁷	244.35 ²⁷	244.35 ²⁷	500 weeks				6,000 ²⁸
Illinois	66 ² / ₃	66 ² / ₃	66 ² / ₃	1,078.31 ²⁹	1,078.31 ²⁹	404.37 ²⁹	404.37 ²⁹	20 years ^{29,30}				4,200
Indiana	66 ² / ₃	66 ² / ₃	66 ² / ₃	882	882	50 ³¹	50 ³¹	500 weeks ³²		294,000	294,000	7,500
Iowa	80 (of spendable earnings)	80 (of spendable earnings)	80 (of spendable earnings)	1,226 ³¹	1,226 ³¹							7,500
Kansas	66 ² / ₃	66 ² / ₃	66 ² / ₃	467 ³²	467 ³²	293	293			250,000	200,000	5,000
Kentucky	75 ³³	50	50	473.42 ³⁴	315.61 ³⁴	126.24 ³⁴	126.24 ³⁴					35
Louisiana	65	32 ¹ / ₂	32 ¹ / ₂	438 ³⁵	438 ³⁵	117 ⁴⁵	117 ⁴⁵					7,500
Maine ³⁷	80	80	80	542.40 ³⁷	542.40 ³⁷			500 weeks ³⁸				4,000 ³⁷
Maryland	66 ² / ₃	66 ² / ₃	66 ² / ₃	770 ³⁹	770 ³⁹	25 ²¹	25 ²¹			45,000 ⁴⁰	60,000 ⁴⁰	5,000 ⁴¹
Massachusetts	66 ² / ₃	66 ² / ₃	66 ² / ₃	958.58 ⁴²	958.58 ⁴²	191.72 or actual AWW, whichever is less	191.72 or actual AWW, whichever is less	250 weeks ⁷				4,000
Michigan	80 (of spendable earnings)	80 (of spendable earnings)	80 (of spendable earnings)	706 ⁴⁴	706 ⁴⁴	392.16 ⁴⁴	392.16 ⁴⁴	500 weeks ^{45,46}		322,000	322,000	6,000
Minnesota	66 ² / ₃	50	60	750	750							15,000
Mississippi	66 ² / ₃	35	25	351.14	364.57			450 weeks ⁴⁷		158,013	164,056.50	2,000
Missouri	66 ² / ₃	66 ² / ₃	66 ² / ₃	696.97 ⁴⁸	696.97 ⁴⁸	40	40					5,000
Montana	66 ² / ₃	66 ² / ₃	66 ² / ₃	520 ⁵⁰	520 ⁵⁰	260 ⁵⁰	260 ⁵⁰	500 weeks ^{51,4}				4,000

Chart VIII—Fatalities: Income Benefits for Spouse and Children, Cont.

Jurisdiction	Percentage of Wages			Maximum Per Week		Minimum Per Week		Amount Limit ¹		
	Spouse Plus Children	Spouse Only	One Child Only	Spouse Plus Children (\$)	Spouse Only (\$)	Spouse Only (\$)	Spouse Only (\$)	Spouse Plus Children (\$)	Spouse Only (\$)	Maximum Burial Allowance (\$)
Nebraska	75	66 ^{2/3} ⁵	66 ^{2/3}	600	600	49 ³¹				6,000
Nevada	66 ^{2/3}	66 ^{2/3}	66 ^{2/3}	690.83 ³¹	690.83 ³¹					5,000 ³⁸
New Hampshire	60	60	60	1,123.50 ⁵²	1,123.50 ⁵²	224.70 ⁵²				5,000
New Jersey	70	70	70	691 ⁵⁴	691 ⁵⁴	184 ⁵⁴				3,500
New Mexico	66 ^{2/3}	66 ^{2/3}	66 ^{2/3}	585.89 ⁵⁶	549.37 ⁵⁶	36	700 weeks ⁵⁸	410,123	410,123	7,500
New York ⁵⁷	66 ^{2/3}	66 ^{2/3}	66 ^{2/3}	400	400	30	28.96			5,000 upstate 6,000 downstate
North Carolina	66 ^{2/3}	66 ^{2/3}	66 ^{2/3}	730 ⁵⁹	730 ⁵⁹	30	760			3,500
North Dakota	66 ^{2/3}	66 ^{2/3}	66 ^{2/3}	36.61 ⁶¹	604 ⁶¹	330 ^{38,61}	78	250,000	250,000	6,500
Ohio	66 ^{2/3}	66 ^{2/3}	66 ^{2/3}	704 ⁶²	662 ⁶²	352 ⁶²	78			5,500
Oklahoma	70	70	50	528 ⁶³	369.60 ⁶³	30 ^{31,38}	78	150,000 ⁶⁴	100,000	10,000
Oregon	66 ^{2/3} plus 10 for each child	66 ^{2/3}	25 (each child)	948.24 ⁶⁵	475.33 ⁶⁵	475.33	746			7,129.60 ⁶⁶
Pennsylvania	60 to 66 ^{2/3}	51	32	716 ⁶⁷	716 ⁶⁷	182.65 ⁶⁷	78			3,000
Rhode Island	75 (of spendable income) plus \$40 per dependent	75 (of spendable income)	75 (of spendable income)	68	785 ⁶⁸		214			15,000
South Carolina	66 ^{2/3}	66 ^{2/3}	66 ^{2/3}	616.48 ⁶⁹	616.48 ⁶⁹	75 ⁷¹	500 weeks ⁷	308,240	308,240	2,500
South Dakota	66 ^{2/3}	66 ^{2/3}	66 ^{2/3}	70	513 ⁷⁰	257 ⁷⁰	78	71		5,000 ⁷⁸
Tennessee	66 ^{2/3}	50 AWW	50 AWW	663	663	99.45	214	265,200	265,200	7,500
Texas	75	75	75	540 ⁷²	540 ⁷²		28			6,000 ⁷⁸
Utah	66 ^{2/3}	66 ^{2/3}	66 ^{2/3}	501 ⁷³	501 ⁷³	45 ⁷¹	274			8,000 ⁷⁵
Vermont	76 ^{2/3}	66 ^{2/3}	71 ^{1/3}	950 ⁷⁶	950 ⁷⁶	305 ⁷⁶	277			5,500
Virginia ⁷⁸	66 ^{2/3}	66 ^{2/3}	66 ^{2/3}	736 ⁷⁹	736 ⁷⁹	184 ⁷⁹	500 weeks ⁷			10,000 ⁷⁸
Washington	62 ⁸⁰	60	35 ⁸⁰	881.69 ⁸¹	881.69 ⁸¹	43.17 ⁸¹	745			6,465.66
West Virginia	66 ^{2/3}	66 ^{2/3}	66 ^{2/3}	545.36 ⁸²	545.36 ⁸²	144.20 ⁸²	214.63			5,000
Wisconsin ⁸⁴	66 ^{2/3}	66 ^{2/3}	66 ^{2/3}	676 ⁸⁶	676 ⁸⁶	20	1,000 weeks ⁸⁸	202,800 ⁸⁷	202,800 ⁸⁷	6,000
Wyoming	80 SAMW ⁸⁸			88	88		89			10,000 ⁹⁰
American Samoa	35 plus 15 each child	35	35				2 years			1,000
Guam	66 ^{2/3} ⁹¹	35	35	250	131.25	131.25 ⁹¹	78	100,000	100,000	3,600
Puerto Rico	85	50	60	46.15 ⁹²	36.92 ⁹²	9.23 ^{38,92}	738.34			1,000
Virgin Islands				86	86	86		50,000 (Spouse—40%; Children—60%) ⁹⁵	50,000 ⁹⁵	4,000

Chart VIII—Fatalities: Income Benefits for Spouse and Children, Cont.

Jurisdiction	Percentage of Wages				Maximum Per Week		Minimum Per Week		Amount Limit ¹		
	Spouse Plus Children	Spouse Only	One Child Only	Spouse Plus Children (\$)	Spouse Only (\$)	Spouse Only (\$)	Spouse Only (\$)	Time Limit	Spouse Plus Children (\$)	Spouse Only (\$)	Maximum Burial Allowance (\$)
FECA	75 ⁹⁶	50	40	1,548.42	996.38	153.99 ²¹	261.79 ⁹⁹	78.97			800 ⁹⁸
Longshore Act	66 ⁷⁴	50	50	1,047.16 ⁹⁹	1,047.16 ⁹⁹			78			3,000
Alberta	90 (of net income) ^{102,103}	90 (of net income) ¹⁰⁴	90 (of net income)	799.48	799.48	275.93 ³⁸		100			8,150 ³⁸
British Columbia ¹⁰¹			40% of PT disability rate minus 50% of CPP death benefits	3,006.67 per month ¹⁰⁵	1,829.92 per month ¹⁰⁵	948.35 per month ^{36,106}		Lifetime award for spouse ⁷	Lifetime award for spouse. To age 19 or 25 (with post-secondary attendance for children)	Lifetime award for spouse	7646.62 Is. 17(2.1) and RSCM C8-54.00 ³⁸
Manitoba	90 (of net average earnings)	90 (of net average earnings)		106	38,106			7,107			9,310 ³⁸
New Brunswick	80 (of net average earnings) for first year ¹⁰⁸	80 (of net average earnings) for first year ¹⁰⁸		108	108			Age 65 ¹⁰⁸			6,926
Newfoundland and Labrador	80 (of average net earnings)	80 (of average net earnings)		80% net of \$47,245 per year ¹⁰⁹	80% net of \$47,245 per year ¹⁰⁹	200 ^{36,108}		Until worker would have reached 65			5,000 ³⁸
Northwest Territories and Nunavut		421.88 monthly allowance		1,856.25 monthly ¹¹⁰		110		Lifetime award for spouse ⁷			5,000 ³⁸
Nova Scotia	85 (of net average income) ¹¹¹	196 monthly allowance		38,111				Age 65 ¹¹¹			4,000 ³⁸
Ontario	85 (of net average income) depending on age of surviving spouse	20 to 60 (of net average income), depending on age of surviving spouse	30 (of net average income)	112	112	38,112		Life ⁷	67,700 per year		None
Prince Edward Island	113	70 (of net earnings loss)	10 (of net earnings loss)	113		38		Until worker would have reached age 65 or survivor reaches age 65, whichever is later ⁷			4,000 ³⁸
Québec ¹¹⁴	115	116	115	115		38,115		116			2,657
Saskatchewan	90 (of net income)	90 (of net income)	398.86 monthly allowance	793.42 ¹¹⁶	722.22	324.98 ¹¹⁷		Spouse—5 years ^{116,118}			10,433.90 plus transportation of body within Canada
Yukon Territory ¹¹⁹		3,125 (of maximum wage rate per month)	1.25 (of maximum wage rate per month)			38		Life	822.50 per child	2,056.25	4,000 ³⁸
Canadian Merchant Seamen's Act ¹¹⁹		1,451.92 per month	161.18 monthly allowance			38		78			3,500 ³⁸

Chart VIII—Fatalities: Income Benefits for Spouse and Children, Cont.

Notes

¹ Disability payments deducted in all laws except those of Arizona, Arkansas, California, Delaware, District of Columbia, Florida, Michigan, Minnesota, Mississippi, Missouri, Nevada, New York, North Dakota, Oregon, Washington, West Virginia, Wisconsin, Wyoming, FECA, and the Longshore Act.

² Alabama—Maximum 100% SAWW; minimum 27½% SAWW, actual wage if less. In case of remarriage, any unpaid compensation is distributed to dependents or any suitable person, based on court approval. Payment discharges employer from any further liability.

³ Alabama—\$7,500 payment made to estate of deceased worker who had no dependents.

⁴ Alaska—For spouse plus 1 child. 100% for spouse and 2 or more children.

⁵ Alaska—80% of spendable income.

⁶ Alaska—Maximum and minimum set by statute. Minimum may be less if spendable weekly wages less than 22% of maximum compensation rate.

⁷—To child age 16 in Saskatchewan (18 if student).

—To child age 18 in Arkansas (or upon marriage, to age 25 if full-time student, or continuing if physically or mentally disabled), California, Colorado (age 21 if in school or until capable of earning own living if physically or mentally incapacitated), Florida (22 if full-time student or upon marriage), Illinois (25 if in school), Indiana, Kentucky, Louisiana (death or marriage), Maine (23 if in school or if physically or mentally incapacitated from earning), Maryland (23 if enrolled as a full-time student at accredited school; continuing if physically or mentally incapable of self-support), Massachusetts (or older if physically or mentally incapacitated from earning), Michigan, Minnesota (25 if regularly attending as a full-time student a high school, college or university, or vocational or technical training. Children over 18 when physically or mentally incapacitated from earning), Mississippi (unless child is full-time student and dependent in which case to 23, or unless child is wholly dependent and incapable of self-support by reason of mental or physical disability), Nevada (up to 22 if enrolled as a full-time student in an accredited vocational or educational institution, if child is incompetent, he is entitled to benefit until such time as he becomes capable of supporting himself), New Hampshire (children continue if disabled or until 25 if full-time student), New Jersey, New Mexico (to age 23 if enrolled as a full-time student at an accredited educational institution or incapable of self-support and unmarried), New York (to age 23 if enrolled as a full-time student at an accredited school; to any age if child is dependent blind or physically disabled child), North Carolina, North Dakota (22 if in school), Oklahoma (continuing if physically or mentally incapable of self-support or is actually dependent; 23 if in school), Oregon (while attending higher education), Pennsylvania (except in the case of a dependent child dependent due to disability; up to 23 while a full-time student), Rhode Island (except in the case of a dependent child physically or mentally incapacitated

tated from earning; up to 23 while full-time student), South Dakota (22 if full-time student), Tennessee (22 if full-time student or upon marriage), Utah (unless mentally handicapped), Vermont (or incapable of self-support and unmarried, whether or not ever actually dependent upon the deceased; or a child while regularly enrolled in an approved educational or vocational training institution, who was at the time of the employee's injury or death partially or wholly dependent on the employee, regardless of age; or a child of any age who was mentally or physically disabled at the time of the employee's death and partially or wholly dependent upon him), Virginia (unless physically or mentally impaired (23 if enrolled as a full-time student in an accredited school) Washington (23 if permanently enrolled full-time in an accredited school; over 18 if dependent as a result of a physical, mental or sensory handicap), West Virginia (25 if in school; over 18 if incapable of self-support by reason of mental or physical disability for so long as claimant would have drawn PTO benefits), Wisconsin (for 15 years if disabled), Guam, FECA (23 if in school; over 18 if incapable of self-support by reason of mental or physical disability), Manitoba (or child who is in a course of study and does not have a degree or vocational training, or if child is invalid, until ceases to be invalid or eligible for old age security, whichever first occurs), Nova Scotia (to 25 if attending approved educational facility), and Prince Edward Island (22 if in school).

—To child age 19 in Alaska (or to child any age while in first 4 years of vocational school, trade school or college), British Columbia (25 if full-time student; spouse receives for life), Nebraska (unless child is full-time student in which case to age 25, or child is actually dependent or physically or mentally incapable of self-support), Wyoming (21 if physically or mentally incapacitated), Northwest Territories and Nunavut (unless attending school, when child receives compensation until completion or graduation).

—To age 21, if student, in Indiana, Canadian Merchant Seamen's Act (or else to 18), New Brunswick (inclusive when child is attending school on a full-time basis. If invalid, for the lifetime of the child or until the child ceases to be invalid or dependent), and Yukon.

—To age 22 in Arizona (if full-time student), Connecticut, Georgia (if only partially dependent, weekly compensation shall be in same proportion as the average amount contributed weekly by the deceased to his AWWW at time of injury), Hawaii, Missouri, Montana, South Dakota, Tennessee (if full-time student and subject to statutory maximum total benefit).

—To age 23 in DC (or completion of college, whichever is first), Kansas (if in college), Maryland (if full-time student at accredited institution), New Mexico, Oregon (while attending higher education), South Carolina and Longshore Act.

—To age 25 in: Delaware, Iowa, Ohio, Puerto Rico (if full-time student), Texas (if full-time student), and Ontario (or first degree or diploma, whichever occurs first; if child is permanently mentally or physically unable to earn a living,

benefits are continued for life).

—If invalid: for 15 years in Wisconsin, for period decedent would have supported child in Prince Edward Island and Yukon, and no age limit in Northwest Territories and Nunavut and Nova Scotia.

⁸ To spouse for life; 2 years' lump sum upon remarriage (but only if no children in Colorado, Illinois, Indiana and Iowa) or balance of compensation if less (Indiana, New Mexico, and South Dakota). Alaska—spouse receives final lump sum benefit upon remarriage. Spousal benefit ceases 12 years after employee's death unless widow or widower is permanently and totally disabled or at least 52 years old at time of employee's death. Arkansas—until spouses death or upon remarriage. Illinois—lump sum is paid upon remarriage only if no children at time of death. Louisiana—to spouse for life or upon remarriage. Kentucky—benefits for claims arising after 12/12/96 terminate on date the claimant would have qualified for normal old-age Social Security retirement benefits with a 2-year minimum. Massachusetts—to spouse for life or upon remarriage. Ohio—2 years' lump sum upon remarriage plus immediate reapportionment among other beneficiaries. Oklahoma—spousal benefit ceases after for years or upon remarriage. Guam—unless paid in lump sum, benefits cease upon death or remarriage and redistribution of remaining amount to qualified dependents (if any). Puerto Rico—benefits cease upon remarriage or start of consensual union plus accrual to dependent minors or redistribution among other beneficiaries.

⁹ Arkansas—Benefits in excess of \$75,000 payable from Death and Permanent Total Disability Trust Fund.

¹⁰ California—If 3 or more total dependents. Dependents of worker whose HIV-related death occurs more than 240 weeks after date of initial injury also receive death benefits.

¹¹ Colorado—For injuries occurring on or after 2/1/00.

¹² Connecticut—Maximum is 100% SAWW and minimum is \$20. Employer-funded cost of living increase payable each October. Retroactive death benefits for dependents of deceased employee who was injured on or after 1/1/74 and died no later than 11/1/91.

¹³ Connecticut—Spouse may not sue employer for loss of consortium if receiving or had been receiving workers' compensation benefits.

¹⁴ To spouse for life; compensation on remarriage (Georgia—to spouse until age 65 or 400 weeks, whichever is greater, also ceases upon cohabitation in a meretricious relationship; if only partially dependent, weekly compensation in same proportion as average amount contributed weekly by deceased to AWWW at time of injury; Maine—if dependency on new spouse is proven; Montana—benefits cease to spouse at 500 weeks or upon remarriage but continue to any beneficiaries; Rhode Island—without dependent children, ceases upon remarriage; Tennessee—payable until remarriage, death, or maximum total benefit (400 times weekly compensation rate); West Virginia—until remarriage or for as

Chart VIII—Fatalities: Income Benefits for Spouse and Children, Cont.

Notes, Cont.

long as claimant would have drawn PTO benefits.

¹⁵ Delaware—Maximum is 80% SAWW for spouse and children, 66% SAWW for spouse only. Minimum for spouse only is 1/3 of maximum.

¹⁶ Delaware—Additional burial allowance payable on board approval.

¹⁷ District of Columbia—Maximum is 100% SAWW; minimum is 25% SAWW; Social Security and employer-funded benefit plans offset if combined total exceeds 80% of employee's AWW.

¹⁸ Florida—Maximum is 100% of SAWW. Surviving spouse entitled to tuition benefits at vocational-technical center or community college.

¹⁹ Florida—Spouse upon remarriage: lump sum payment of 26 weeks at 50% of AWW, subject to \$150,000 cap.

²⁰ Georgia—Weekly benefits increased 20%, up to \$20,000 if death of employee was direct result of injury caused by intentional act of employer.

²¹ Actual wage if less.

²² Georgia—Greater of 400 weeks or age 65.

²³ Hawaii—Maximum for persons other than spouse and children is maximum benefit times 312.

²⁴ Hawaii—Maximum is 100% SAWW for spouse and children; 50% of SAWW divided by .6667 for spouse only. Minimum is 25% of SAWW or worker's average wage if less.

²⁵ Hawaii—Funeral expense is 10 times SAWW plus burial allowance of 5 times SAWW.

²⁶ Idaho—For death prior to 7/1/91.

²⁷ Idaho—Death benefit is fixed at 45% of SAWW for spouse plus 5% of SAWW per dependent child up to 3; 30% of SAWW for 1 child if no dependent spouse.

²⁸ Additional allowance for transportation of body; no maximum except: Texas—not to exceed usual cost of otherwise transporting body from place of death back to place of work; Virginia—\$1,000; Alberta—\$550 within Alberta, \$1,000 outside Alberta; British Columbia—\$1,150.76 [s. 17(2) and RSCM C8-54.00]; Northwest Territories and Nunavut—no limit inside Canada; Nova Scotia—\$500 within province, actual cost if death occurs outside province; Prince Edward Island—no limit; Yukon—actual cost of transporting body; and the CMSA—\$300.

²⁹ Illinois—Maximum is 133% of SAWW; minimum is 50% of SAWW.

³⁰ Illinois—Benefits are \$250,000 or 20 years at TT rate, whichever is greater. Child under 18 is entitled to at least 6 years' benefits.

³¹ Iowa—Maximum is 200% of SAWW; minimum weekly benefit amount for PP, PT, or death equal to weekly benefit amount of person whose gross earnings are 35% of SAWW.

³² Kansas—Maximum is 75% of SAWW.

³³ Kentucky—If children live with spouse, 45% of claimant's benefits are paid to spouse plus 15% per child, up to 2 children. If children do not live with spouse, 40% of claimant's benefits are paid to spouse plus 15% per child, up to 2 children.

³⁴ Kentucky—SAWW 2 years prior is used to determine amounts. Maximum is 75% of SAWW for spouse and children; 50% of SAWW for spouse only. Minimum is 20% of SAWW.

³⁵ Kentucky—In addition to other benefits, if death occurs within 4 years of date of injury as direct result of work-related injury, a lump sum payment of \$62,002.42 (for injuries on and after 1/1/06) shall be made to descendant's estate from which cost of burial and cost of transportation of body to employee's residence shall be paid. Benefit payment is adjusted annually in accordance with adjustment to SAWW.

³⁶ Louisiana—Maximum is 75% of SAWW; minimum is 20% of SAWW, actual wage if less.

³⁷ Maine—Maximum is \$542.40 as of 7/1/04. Dates of injury prior to 1993 receive cost-of-living adjustments each year. The SAWW is calculated each year around the end of June and is the basis for calculating maximum benefits, annual cost of living adjustments, and impairment awards. A new multiplier is calculated each 7/1, obtained by dividing new SAWW by preceding year's AWW. In addition to burial expenses, \$3,000 incidental compensation is also paid to decedent's estate.

³⁸ Spouse receives cash lump sum in addition to other benefits: Maine—\$3,000; Mississippi—\$250; North Dakota—\$1,200 plus \$400 per child; Oklahoma—for death after 10/31/05, \$100,000 plus \$25,000 per child (up to 2); Washington—\$3253.16 cash lump sum; Puerto Rico—\$500; Alberta—\$1,300; British Columbia—\$2,200.44 in addition to other benefits [s. 17(13) & RSCM C8-55.00]; Manitoba—\$35,210 to \$58,260 depending on age of worker at time of death; Newfoundland—the greater of \$15,000 or 26 times weekly net earnings; Northwest Territories and Nunavut—\$2,700; Nova Scotia—\$15,000; Ontario—\$30,516.00 to \$91,548.01; Prince Edward Island—\$10,000; Québec—\$1,772; CMSA—\$16,868.50.

³⁹ Maryland—Maximum is 100% of SAWW set annually. If dependent is only partially dependent, maximum is 66% of SAWW.

⁴⁰ Maryland—up to \$45,000 and thereafter so long as spouse remains wholly dependent. If spouse becomes wholly self-supporting, benefits cease once \$45,000 has been paid. A surviving spouse without dependent children who remarries continues to receive payments for 2 years after remarriage. A surviving spouse with dependent children who remarries loses benefits immediately upon remarriage. If wholly-dependent spouse becomes partly self-supporting, benefits continue until \$60,000 has been paid.

⁴¹ Maryland—Additional burial allowance up to \$5,000 payable on commission approval.

⁴² Massachusetts—Maximum is 100% of SAWW. Annual cost of living increase payable up to 5% for deaths after that date.

⁴³ Massachusetts—After receiving an amount equal to 250 times SAWW, spouse must prove actual dependence; time and amount limits do not apply to children's benefits.

⁴⁴ Michigan—Maximum is 90% of SAWW; minimum is 50% of SAWW.

⁴⁵ Michigan—500-week limit does not apply to children.

⁴⁶ To spouse for life; cash lump sum on remarriage: Michigan—\$500 or balance if less; Nevada—2 years lump sum payment upon

remarriage with additional awards if surviving children (if partial dependents only, compensation up to 100 months); Oregon—36 times monthly benefit; and Washington—24 times monthly benefit or 50% of remaining annuity value of pension, whichever is less.

⁴⁷ Minnesota—To spouse for 10 years or, if children, during dependency of children and then 10 years' benefits. Offset for some government survivors' benefits. Minimum compensation for a dependent is \$60,000. If no dependents, payments paid to the deceased's estate.

⁴⁸ Missouri—Maximum is 105% of SAWW; 2 years payable to spouse following remarriage.

⁴⁹ Missouri—4 years' benefits payable to child on active duty in armed forces at age 18 who enrolls in school prior to age 23.

⁵⁰ Montana—Maximum is 100% of SAWW; minimum is 50% of SAWW, actual wage if less.

⁵¹ Nevada—Maximum depends on date of injury, but is 150% of SAWW.

⁵² New Hampshire—Maximum is 150% of SAWW; minimum is gross SAWW, up to after-tax earnings.

⁵³ New Hampshire—Upon remarriage, unpaid balance otherwise due is payable to parent or guardian for children's benefit.

⁵⁴ New Jersey—Maximum is 75% of SAWW; minimum is 20% of SAWW.

⁵⁵ New Jersey—No deductions for earnings after 450 weeks.

⁵⁶ New Mexico—Maximum is 100% of SAWW.

⁵⁷ New York—If no spouse or dependent children, \$50,000 is paid to decedent's parents; if there are no surviving parents, to decedent's estate. Domestic partners as so defined in WCL § 4 are eligible for spousal death benefits if employee died as a result of 9/11/01 terrorist attacks.

⁵⁸ New York—Social Security offset for survivor's insurance benefits.

⁵⁹ North Carolina—Maximum is 110% of SAWW.

⁶⁰ North Carolina—Payable for life until remarriage if spouse disabled at time of decedent's death.

⁶¹ North Dakota—Maximum is 110% of SAWW plus \$10 per dependent child under 18 or 22 if in school. Minimum benefit is 60% of SAWW, not to exceed net wage of decedent.

⁶² Ohio—Maximum is 100% of SAWW; minimum is 50% of SAWW.

⁶³ Oklahoma—If AWW is less than SAWW, aggregate weekly income benefits payable to all beneficiaries are up to 100% of AWW. If AWW equals or exceeds SAWW, benefits are up to SAWW. Maximum weekly income benefit payable to surviving spouse (no children) is 70% of AWW, up to 70% of AWW if such wage is less than SAWW or up to 70% of SAWW if AWW equals or exceeds SAWW.

⁶⁴ Oklahoma—After 10/31/05, \$25,000 per child up to 2 children

⁶⁵ Oregon—Spousal benefit is fixed at 66% of AWW plus 10% of AWW per child up to 133% of SAWW. When there is no surviving spouse, benefit is 25% of AWW for each child. Upon

Chart VIII—Fatalities: Income Benefits for Spouse and Children, Cont.

Notes, Cont.

remarriage, surviving spouse receives 36 times monthly benefits; benefits for each child continue as before.

⁶⁶ Oregon—Burial allowance is 10 times SAWW.

⁶⁷ Pennsylvania—Maximum is 100% of SAWW; minimum is 51% of 50% of SAWW.

⁶⁸ Rhode Island—Maximum is 110% of SAWW plus \$40 per dependent child. Annual cost of living increase of 4% on anniversary.

⁶⁹ South Carolina—Maximum is 100% of SAWW.

⁷⁰ South Dakota—Maximum is 100% of SAWW; minimum is 50% of SAWW, actual wage if less. Additional \$50 monthly is payable for each dependent child through age 18.

⁷¹ South Dakota—Eligible dependents may qualify for a scholarship up to \$2,000 per year up to 5 years, paid to a post-secondary education.

⁷² Texas—Maximum is 100% of SAWW.

⁷³ Utah—Additional allowance for dependents is \$5 for spouse plus \$5 for dependent child (up to 4). Maximum (including dependents' allowance) is 85% of SAWW.

⁷⁴ Utah—After 312 weeks, payments continue only after annual review. Offset 50% of Social Security payment. Upon remarriage, spouse receives 52 weeks compensation in lump sum or balance of award, whichever is less.

⁷⁵ Utah—Applicable in normal cases; additional amounts may be requested.

⁷⁶ Vermont—Maximum is 150% of SAWW; minimum is 50% of SAWW, actual wage if less.

⁷⁷ Vermont—To spouse until age 62 or when entitled to Social Security; balance of 330 weeks, if any, is payable on remarriage.

⁷⁸ Virginia—Parents, in destitute circumstances, of killed employee entitled to receive benefits if deceased employee has no other dependents.

⁷⁹ Virginia—Maximum is 100% of SAWW; minimum is 25% of SAWW, actual wage if less.

⁸⁰ Washington—Spouse plus 1 child, 62% of wages; spouse plus 2 children, 64% of wages; Spouse plus 3 children, 66% of wages; spouse plus 4 children, 68% of wages; spouse plus 5 children, 70% of wages (5 children maximum).

⁸¹ Washington—Maximum monthly benefit is 120% of SAMW. For injuries or fatalities occurring on or after 7/28/91—24 times monthly compensation rate at time of remarriage or 50% of remaining annuity value of pension, whichever is less. If injury or fatality occurred prior to 7/28/91, remarriage benefit lump sum is to be provided according to remarriage benefit schedule then in effect. If a surviving spouse selects not to accept lump sum payment at remarriage, payments can be resumed should remarriage later be terminated by death or divorce.

⁸² West Virginia—Maximum is 100% of SAWW; minimum is 33% of SAWW, up to Federal minimum weekly wage.

⁸³ West Virginia—For dates of injury after 5/10/95 and for all awards made on or after 7/1/03, benefits cease when claimant's PT award would have ceased had he or she lived.

⁸⁴ Wisconsin—Surviving parents receive

benefit of \$6,500.

⁸⁵ Wisconsin—Maximum is 100% of SAWW. Benefits paid monthly. Commission may order that a partial lump sum be paid.

⁸⁶ Wisconsin—Disability plus death if death follows disability.

⁸⁷ Wisconsin—Amount limit is 200 times SAWW. When primary benefit expires, supplementary monthly benefit continues for children at 10% of spouse's monthly benefit, payable from the Children's Fund.

⁸⁸ Wyoming—Monthly benefit is either 80% of SAMW or is capped at SAMW based on formula and actual monthly earnings of worker. In addition, each child receives \$150 monthly benefit.

⁸⁹ Wyoming—After 54 months, the division may continue payments at 33⅓% of SAMW for 12 months. These additional benefits must be applied yearly. COLA adjustment for dependent child(ren) each 7/1.

⁹⁰ Wyoming—Unless other arrangements have been made by the employer.

⁹¹ Guam—Up to 66⅔% AWW.

⁹² Puerto Rico—Maximum for spouse and children is \$200 monthly, divided by legal department. Spouse only—\$160 monthly; minimum \$40 monthly.

⁹³ Puerto Rico—To spouse for life; 1 years' lump sum upon remarriage.

⁹⁴ Puerto Rico—540-week limit inapplicable to spouse and children.

⁹⁵ Virgin Islands—\$25,000 minimum; at discretion of administrator.

⁹⁶ FECA—For 2 or more children.

⁹⁷ FECA—Spouse who remarries after age 55 continues to receive monthly benefits.

⁹⁸ FECA—Additional \$200 lump sum payable for cost of terminating status as U.S. employee.

⁹⁹ Longshore Act—Benefits lesser of employee's weekly wage, \$1,047.16, or 200% NAWW. Minimum is 50% of NAWW, actual weekly wage if less. Death benefits not payable if employee receiving PP benefits dies from causes other than compensable injury.

¹⁰⁰ Alberta—A dependent spouse with children receives same as worker would have received had he been 100% disabled until youngest child reaches 18, at which time benefits depend on dependent spouse's vocational status and ability to become gainfully employed (earns at least 75% of deceased worker's earnings adjusted by cost of living). If spouse is gainfully employed he or she receives 5-year decreasing pension; if not gainfully employed but is capable of such receives up to 60 months vocational rehab services, followed by 5-year decreasing pension. If invalid or incapable of gainful employment, receives reduced lifetime pension.

¹⁰¹ British Columbia—Amounts adjusted annually on 1/1 and 7/1 by CPI.

¹⁰² British Columbia—For spouse plus 1 child—85% of PT rate minus 50% of CPP death benefits [s. 17(3) and RSCM C8-56.00]. 2 children—difference between 50% of PT rate and 50% of CPP death benefits. 3 or more children—60% of PT rate plus \$285.94 per child beyond 3

minus 50% of CPP death benefits (RSCM C8-56.40).

¹⁰³ British Columbia—Spouse and 1 child—85% of worker pension. Spouse and 2 children—100% of worker pension; an additional \$187.96 per month paid for each additional child. (Worker pension is the monthly rate of compensation that would have been payable if the deceased worker had, at the date of death, sustained a PT (minimum is \$419.10 per week). All pensions are reduced by 50% of CPP death benefits received.

¹⁰⁴ British Columbia—For spouse 50 years old or invalid—difference between 60% of PT rate and 50% of CPP death benefits. Spouse under 50—PT rate multiplied by 60% minus 1% per year that spouse's age is under 50, at least 30% and then minus 50% of CPP death benefits. (RSCM C8-56.10);

¹⁰⁵ British Columbia—For only 1 child—\$1,254.42; 2 children—\$1,494.54; 3 or more children—\$1,734.65; spouse age 49—\$1,763.57; age 48—\$1,792.76; age 47—\$1,695.95; etc. Benefit calculated using \$30,805.18 per year as worker's minimum average earnings (RSCM 56.00).

¹⁰⁶ British Columbia—For spouse—\$924.00; 1 child—\$630.46; 2 children—\$714.59; 3 children—\$798.71

¹⁰⁷ Manitoba—The following monthly amounts are subtracted from spouse's monthly payments: \$320 for dependent child (monthly limit for children is \$1,280) and \$320 for other dependent (monthly limit for dependent is \$1,240). Each orphan receives \$640 monthly. Total monthly payments to dependents other than a spouse cannot exceed \$2,560.

¹⁰⁸ Manitoba—For up to 5 years or until the earlier of the youngest child turning 18 or the spouse turning 71. If spouse is 60 years of age or older, payments stop at age 65. If spouse is 63 years of age or older, payments for 24 months. Under cases of hardship, monthly payments may be extended if lump sum is not provided.

¹⁰⁹ New Brunswick—Spouse with or without children for 1 year or to age 65. After 1 year, spouse must elect one of the following: 85% average net up to 85% net family income plus 5% annuity for pension at age 65 or 60% of average net income plus lump sum award, a specified amount for each dependent child and an 8% annuity for pension at age 65. Figures represent maximum per week, less CPP survivor benefits.

¹¹⁰ Newfoundland and Labrador—Spouse receives lump sum equal to greater of \$15,000 or 26 times weekly net earnings of worker, less CPP survivor benefits and employer-sponsored pension benefits. Monthly benefit is based on 80% of worker's net earnings.

¹¹¹ Northwest Territories and Nunavut—Fixed monthly benefit is \$1,856.25 plus \$412.88 monthly per child.

¹¹² Nova Scotia—Benefits also include a \$15,000 lump sum payment. If date of injury on or after 2/1/96, benefit paid monthly until spouse reaches age 65 or worker would have reached age 65, whichever is later. Once survivor benefit ceases an annuity is paid. If injuries prior to 2/1/96, survivor benefit for life no annuity.

Chart VIII—Fatalities: Income Benefits for Spouse and Children, Cont.

Notes, Cont.

¹¹² Ontario—Lump sum payment is determined on a sliding scale depending on age of surviving spouse with a maximum of \$98,196.94 and a minimum of \$32,732.21 for 2005. Weekly maximum is dependent on deceased worker's accident earnings and taxation code. CPP amount is offset in calculation.

¹¹³ Prince Edward Island—Total payment for all children may not exceed 30% of workers' compensation benefits.

¹¹⁴ Québec—Parents of a deceased worker

with nondependents receive a lump sum of \$5,316 to each parent.

¹¹⁵ Québec—Spouse entitled to lump sum from \$88,593 to \$177,186. In addition, spouse entitled to monthly income replacement indemnity equal to 55% of employee's preinjury wages for 1 to 3 years (years according to age of surviving spouse, plus \$444 monthly for each minor child). Lump sum between \$15,950 and \$88,593 to child under 25, or full-time student, or disabled.

¹¹⁶ Saskatchewan—Any dependent child who

is a full-time student of ages 18 to 25 can receive an additional monthly allowance of \$398.86 (in 2005) plus tuition, books and fees for a maximum of 3 years.

¹¹⁷ Saskatchewan—Or deceased worker's AWW, whichever is less.

¹¹⁸ Saskatchewan—Benefits not interrupted upon remarriage.

¹¹⁹ Benefits paid monthly.

¹²⁰ Yukon—Additional burial expenses to maximum of \$2,000.

Chart IX—Waiting Period for Income/Medical Benefits

Jurisdiction	Choice of Physician				Medical Benefits	
	Waiting Period ¹	Retroactive Period	Unlimited ²	Employer	Employee	Artificial Appliances Furnished
Alabama	3 days ³	21 days	Yes	Initial choice	Yes ⁴	Yes
Alaska	3 days	4 weeks	Subject to frequency standard ⁵	May have preferred provider list and may have employee examined by their own medical examiner	Free to choose any attending physician, need not use a physician on employer's preferred provider list	Yes
Arizona	7 days	2 weeks	Yes	Initial choice ⁶	Yes ⁶	Yes
Arkansas	7 days ⁷	2 weeks	No ⁸	Initial choice from among those associated with managed care entities certified by commission		Yes
California ⁹	3 days ¹⁰	14 days	Yes—subject to medical utilization guidelines	Yes	If employee has not pre-designated a physician before time of injury, may change to treating physician of their choice 30 days after injury	Yes
Colorado	3 days	2 weeks	Yes	Initial choice		Yes
Connecticut	3 days	1 week	Yes		From state list	Yes ¹¹
Delaware	3 days ¹²	7 days ¹²	Yes		Yes	Yes
District of Columbia	3 days	2 weeks	Yes		Yes	Yes
Florida	7 days ⁷	21 days	Yes ¹³	Yes ¹⁴	¹⁴	Yes
Georgia	7 days	21 days	Yes	Agency may change	From employer list	Yes ¹⁵
Hawaii	3 days—TT		Yes		Yes	Yes
Idaho	5 days ¹⁶	2 weeks ¹⁶	Yes	Yes	May apply to commission	Yes
Illinois	3 days ¹⁷	2 weeks	Yes		Yes, with limitations	Yes
Indiana	7 days	3 weeks	Yes	Yes		Yes
Iowa	3 days ¹⁸	14 days	Yes	Yes		Yes
Kansas	7 days ¹⁹	3 weeks ¹⁹	Yes	Yes	²⁰	Yes
Kentucky	7 days	2 weeks	Yes ²¹	May provide managed health care system	Yes ²²	Yes
<p>Employer must replace appliances damaged in work-related accident and provide physical and vocational rehabilitation.</p> <p>Injury includes damages to eyeglasses, dentures, hearing aids or any prosthetic devices.</p> <p>Prayer or spiritual treatment by agreement.</p> <p>Spiritual treatment by agreement. Glasses, contact lenses, and hearing aids. Reasonable travel expenses to obtain treatment.</p> <p>Includes x-ray reports, medical reports, and testimony and laboratory fees reasonably required to prove a claim. If requested, an employee may change physicians at any time. 1 time only. Once a claim is filed, the employer must pay up to \$10,000 in medical care during case pendency. Medical payments can stop when case is denied.</p> <p>Worker compensated for time lost due to medical attention. Employer must repair or replace appliances damaged in employment, including eye glasses, contact lenses, hearing aids, or dentures where injury is to face or head. Prayer or spiritual treatment with commissioner's approval.</p> <p>Employer must replace prosthesis and furnish hearing aids as needed.</p> <p>Spiritual treatment by agreement. Medical care furnished or scheduled to be furnished is subject to utilization review for determinations of necessity, character, or sufficiency of care or service.</p> <p>Injury includes damage to dentures, eyeglasses, and prosthetic devices in conjunction with accident. Employer must provide custodial care.</p> <p>Employee may be examined (at employer's expense) by physician of choice within 60 days of receiving any income benefits.</p> <p>Maximum monthly attendant's allowance is 4 times SAWW.</p> <p>Christian Science treatment permitted.</p> <p>Spiritual treatment by agreement. Employer must repair or replace appliances damaged in compensable accident.</p> <p>Employer must reimburse employees based on their average daily wage for lost work due to medical treatments or travel to or from the place of treatment. Spiritual treatment by agreement. Artificial members replaced by Second Injury Fund.</p> <p>Employer must repair or replace appliances.</p> <p>Prayer or spiritual treatment permitted by agreement.²¹</p> <p>Managed care system is subject to utilization review. Employee may choose provider in system, obtain second opinion if surgery is recommended, and obtain treatment outside the system if unavailable in the system.</p>						

Chart IX—Waiting Period for Income/Medical Benefits, Cont.

Jurisdiction	Choice of Physician				Medical Benefits	
	Waiting Period ¹	Retroactive Period	Unlimited ²	Employer	Employee	Artificial Appliances Furnished
Louisiana	7 days	6 weeks	Yes	Yes ²³	Yes ²⁴	Yes
Maine	7 days ²⁵	2 weeks	Yes ²	Initial Choice	Yes, after 10 days ²⁶	Yes
Maryland	3 days—TT	After 14 days	Yes		Yes	Yes
Massachusetts	5 days	21 days	Yes		Yes	Yes
Michigan	7 days	2 weeks	Yes	Initial choice	Yes, after 10 days ²⁷	Yes
Minnesota	3 days	10 days	Yes—Treatment parameters describe reasonable treatment	Agency may change	Yes ²⁸	Yes
Mississippi	5 days	2 weeks	Yes		Yes	Yes
Missouri	3 days	14 days	Yes ²⁹	Agency may change		Yes
Montana	4 days or 32 hours, whichever is less ³⁰		Employers and self-insurers		Yes	Yes
Nebraska	7 days ³¹	6 weeks	Yes	Yes ³²	Yes ³³	Yes
Nevada	5 days—TT ³⁴	6 days—TT ³⁴	Yes	³⁵	Yes ³⁶	Yes
New Hampshire	3 days	14 days or more	Yes ³⁷		Initial choice (within a network if managed care)	Yes
New Jersey	7 days	8 days	Yes ³⁸	Yes	No	Yes
New Mexico	7 days	4 weeks	Yes	Yes	Yes	Yes
New York	7 days/income only	2 weeks	Yes	PPOs	From state list of authorized physicians	Yes
North Carolina	7 days	3 weeks	Yes	Yes	Agency may change	Yes
North Dakota	5 days	5 days	Yes	Yes	Yes, commission may change	Yes
Ohio	7 days	2 weeks	Yes		Yes	Yes

Medical Benefits

Choice of Physician

Artificial Appliances Furnished

Special Provisions

Employer must repair or replace appliances.

Chiropractic services authorized. Prayer or spiritual means of treatment by an accredited practitioner.

Employer must repair or replace appliances. If employer or insurer fails to pay for treatment or services within 45 days, commission may assess a fine of more than 20% of approved charges (subject to interest).

Christian Science treatment by agreement. Injury is reportable to the division. Employer is to repair or replace appliances.

Employee's choice limited to one 1 provider.

Prayer or spiritual treatment by agreement. Chiropractic care authorized. Reasonable lifetime medical and travel benefits provided. Determinations of disability must be supported by a preponderance of objective medical findings. Limitations apply once claimant reaches maximum stability. Certain co-payments may apply. Other limitations include secondary medical services, drug reimbursement, palliative or maintenance care and unscientific treatment. Medical benefits terminated if not used for 60 consecutive months.

Employer must replace appliances damaged due to compensable injury and must provide plastic surgery for disfigurement.

Spiritual treatment permitted.

Employer must repair or replace appliances.

Hospital care must be semiprivate, if available.

The party not making the initial choice has the right to change the health care provider after 60 days or when treatment is unreasonable.

Employer liable for medical care, nursing or hospital services, prosthetic devices, podiatry, and chiropractic care. Employer liable for psychological care upon referral from authorized physician. Surgery, specialist consultations, therapy, x-rays, and special diagnostic tests costing more than \$500 require preauthorization from employer except in emergency. 30-day opt-out PPOs; collective bargaining for PPO to be enforceable in unionized setting.

Employer must repair or replace appliances damaged in compensable accident in state. Medical care includes rehabilitation services.

Employee may designate their own doctor, but this must be done prior to injury.

Injury includes hospitalization and damage to eyeglasses, dentures, hearing aids, or prostheses.

Chart IX—Waiting Period for Income/Medical Benefits, Cont.

Jurisdiction	Choice of Physician				Medical Benefits	
	Waiting Period ¹	Retroactive Period	Unlimited ²	Employee	Artificial Appliances Furnished	Special Provisions
Oklahoma	3 days		Yes	Yes, within 3 days of knowledge of injury or by certified workplace medical plan	Yes	Employer must repair or replace appliances. Special provisions for hernias.
Oregon	3 days	2 weeks	Yes ^{3a}	Yes ^{4a}	Yes	Spiritual treatment by agreement. Insurer or employer may provide medical treatment through an approved managed care organization.
Pennsylvania	7 days	2 weeks	Yes	Initial choice ⁴¹	Yes	
Rhode Island	3 days		Yes ⁴²	Yes ⁴³	Yes	Injury includes damage to and cost of replacement of eyeglasses, hearing aids, and prosthetic devices.
South Carolina	7 days	2 weeks	Yes	Yes	Yes	Injury includes damage to and cost of replacement of eyeglasses, hearing aids, and prosthetic devices.
South Dakota	7 days ⁴⁴	7 days	Yes	Yes	Yes	Employer must repair or replace appliances damaged in compensable accident.
Tennessee	7 days	14 days	Yes ⁴⁵	From employer list	Yes	Provides for nursing services and treatment by chiropractors and psychologists.
Texas	7 days	4 weeks	Yes ⁴⁶	Yes ⁴⁷	Yes	
Utah	3 days	14 days	Yes	Agency may change	Yes	Reasonable amounts awarded for repair or replacement of artificial appliances.
Vermont	3 days	10 days	Yes	Initial choice	Yes	Injury includes damage to and cost of replacement of eyeglasses, hearing aids and prosthetic devices. Employer must not withhold any wages from an employee if the employee's absence is for an examination or treatment of a work injury.
Virginia	7 days	3 weeks	Yes	From employer list	Yes	Employer must repair or replace appliances damaged in compensable accident and may be ordered to make alterations to home, maximum \$25,000.
Washington	3 days	2 weeks	Yes	Yes	Yes	Employees of State Fund employers may pay half of medical aid premiums. Self-insured premiums or costs are fully covered by the employer.
West Virginia	3 days	1 week	Yes ⁴⁸	May have a preferred list	Yes	Payment for prosthetic or orthotic appliances if medically necessary. Repair or replacement of eyeglasses damaged in an accident not reimbursable unless there is a compensable injury.
Wisconsin	3 days	1 week	Yes	Yes	Yes	Repair or replacement of appliance is limited to normal wear and tear. Dental care, eyeglasses, and hearing aids are also covered. Repair or replacement of eyeglasses and hearing aids not paid for unless damaged in compensable accident. Employer or insurer may request that a physician examine injured employee to determine reasonableness of claim.
Wyoming	3 days	9 days	Yes	Second opinion	Yes	All medical bills audited according to promulgated fee schedule.
American Samoa			No		Yes	Employer will furnish, where no other provision is made, medical, surgical, and other attendance or treatment, nurse, hospital service, medicine, crutches and apparatus for such period as nature of the injury or process of recovery may require.
Guam	3 days	14 days	Yes	Yes	Yes	Commission may change

Chart IX—Waiting Period for Income/Medical Benefits, Cont.

Jurisdiction	Choice of Physician				Medical Benefits	
	Waiting Period ¹	Retroactive Period	Unlimited ²	Employer	Employee	Artificial Appliances Furnished
Puerto Rico	3 days ⁴⁹	10 days	Yes ⁴⁰	Yes, state agency also examines	Yes ⁴¹	When permanently and totally disabled, administrator will provide orthopedic girdle, crutches, cane, wheelchair, hospital bed, and other equipment necessary.
Virgin Islands	0 days	None	No ⁵²	Initial Choice	Yes	\$200,000 limit for specialized treatment not available in the Virgin Islands. ⁵⁰
FECA	3 days ⁵⁴	2 weeks	Yes	Yes	Yes	Additional amount (up to \$1,500) monthly for medical attendant.
Longshore Act	3 days	2 weeks	Yes	Labor secretary may change	Yes	Consent for specialist, if needed. Spiritual treatment permitted.
Alberta	1 day ⁴⁸		Yes	Yes, at board's discretion	Yes	Appliances repaired or replaced by board. Board may repair or replace garments damaged in compensable accident. Clothing allowance for wear due to prosthetic or wheelchair: upper limb—up to \$715 (male), \$1,437 (female); lower limb—\$444 (male), \$1,177 (female); wheelchair—\$1,087 (male), \$1,840 (female). Attendance allowance determined by degree of personal care required and will reflect actual and reasonable costs or competitive rates.
British Columbia	⁵⁶		Yes ⁵⁷	Yes ⁵⁸	Yes	Appliances repaired or replaced at board's discretion where damaged or broken as the result of compensable accident. Eyeglasses, dentures, and hearing aids replaced or repaired even where no injury, as long as accident corroborated and worker not at fault. Board may provide protective eye glasses where serious visual impairment caused by work injury. Additional allowances available: personal care allowance, annual clothing allowance (for wear due to prosthesis), independence and home maintenance allowance, and subsistence allowance (when traveling for medical care).
Manitoba ⁴³	1 day		Yes	Yes	Yes	Medical aid includes repair or replacement of damaged or lost clothing or personal appliances, if personal injury. Personal appliances include eyeglasses, contact lenses, and prosthetic devices. Clothing allowance for additional wear—\$266 for upper body, \$532 for lower body, \$798 for upper and lower body or for wheelchair users. ⁵⁹ Level of attendance services depends on the reasonable level of care required. \$5,000 maximum for emergency expenditures.
New Brunswick	3 days—waived when hospitalization is required	20 working days	Yes	No	Yes	Medical aid includes repair or replacement of appliances. Clothing allowance for wear and tear due to prosthesis is \$337.47; may also provide twice the annual allowance (\$674.94) for multiple amputations. Care allowances are based on level of care per month. Range level 1 to 7. Amounts range from \$67.27 to \$1,531.20 per month.
Newfoundland and Labrador	1 day	⁶¹	Yes	Initially yes; should consult commission before changing	Yes	Commission may repair or replace appliances and may pay daily allowance for treatment away from home. Clothing allowance for wear due to prosthetic device—\$330.59 annually. Evaluation of personal care on worker's individual needs.
Northwest Territories and Nunavut	1 day		Yes	Yes	Yes	Clothing allowance for wear due to prosthetic device—\$250. Board may repair or replace appliances damaged in a compensable accident.
Nova Scotia	2 days ⁵²	Waiting period paid if off 5 weeks	Yes	Yes ⁶³	Yes	Attendant's allowance may be paid. Annual clothing allowance up to \$750. Boards may repair or replace appliances, and renew eyeglasses (replaced if damaged in work-related accident).
Nunavut	1 day		Yes	Yes	Yes	Clothing allowances for wear due to prosthetic device—\$500. Board may repair or replace appliances damaged in a compensable accident.
Ontario	1 day	⁶⁴	Yes	Initial choice	Yes	Not more than 24 hours personal care allowance for attendants. Clothing allowance for wear due to prosthetic device—\$255.56 for upper extremity and \$511.12 for lower extremity. ⁶⁶

Chart IX—Waiting Period for Income/Medical Benefits, Cont.

Jurisdiction	Choice of Physician			Medical Benefits	
	Waiting Period ¹	Retroactive Period	Unlimited ²	Employee	Artificial Appliances Furnished
Prince Edward Island	60% of weekly benefit payable	Waiting period refunded to worker if worker continues to have a loss of earning capacity for more than 4 consecutive weeks	Yes	No	Initial choice
Québec	Day of injury		Yes	Yes	Yes
Saskatchewan	Earnings loss benefits not paid for day of injury	Earnings loss benefits not paid for day of injury	Yes	Yes	Yes
Yukon Territory	Earnings loss benefits not paid for day of injury	Earnings loss benefits not paid for day of injury	Yes	Yes	Yes
Canadian Merchant Seamen's Act	3 days	3 days	Yes	Yes	Yes

Notes

¹ If disability continues for longer than stated retroactive periods, compensation is paid for the waiting period. Waiting periods do not apply to medical care, which is furnished from first day of injury.

² Many states have introduced medical fee schedules to control payments made to providers for medical care under workers' compensation programs. Medical benefits remain "unlimited" in states indicated, but employers and insurers are only liable for amounts set forth in medical fee schedule. Employees cannot be held accountable for any amount charged above and beyond medical fee schedule.

³ Alabama—Temporary disability only.

⁴ Alabama—Employee may select a second physician from a panel of 4 selected by employer if employee is dissatisfied with initial treating physician and further treatment is required.

⁵ Alaska—Care consisting of continuing and multiple treatments of a similar nature subject to frequency standard. After any condi-

tion becomes medically stable, employer not liable for palliative care unless necessary for continuing in employment at time of treatment, participating in a reemployment plan, or relieving chronic debilitating pain.

⁶ Arizona—Employee has freedom of choice after 1 visit as directed by employer. Self-insured employers may elect to direct all medical.

⁷ Waiting period does not apply to medical benefits.

⁸ Arkansas—May cease 6 months after injury when no time from work is lost, 6 months after claimant returns to work, or maximum \$10,000 has been paid unless employer may waive rights and commission may extend limits.

⁹ California—Psychologists and acupuncturists included within definition of physician and treatment permitted. Personal chiropractor allowed if employee previously notified employer that chiropractic treatments were being rendered.

¹⁰ California—Waiting period also terminated by hospitalization.

¹¹ California—Insurers and self-insured employers authorized to create medical care as well as restrict access to providers within network throughout case. Workers disputing either diagnosis or treatment prescribed by treating physician may seek second or third opinion within network (LC 4616.3) or may, under LC 4601, request a 1-time change of physician within network.

¹² Connecticut—By court decision, *Olmstead v. Lamphier*, 93 Conn. 20, 104 A. 488 (1918).

¹³ Delaware—No waiting period for medical treatment or period if incapacity results in hospitalization or is caused by amputation of member.

¹⁴ Florida—After injured worker reaches MMI, employee is responsible for \$10 copayment for each medical visit. Carrier and/or employee allowed to select 1 independent medical examiner in disputes concerning over-utilization, medical benefits, compensability, or disability.

¹⁵ Florida—Employer choice but most often, especially in many

Chart IX—Waiting Period for Income/Medical Benefits, Cont.

Notes, Cont.

income arrangements, an injured worker can select a physician from a list provided by insurer.

¹⁵ Georgia—Included in total amount allowed for medical care.

¹⁶ Idaho—Waiting period terminated by hospitalization.

¹⁷ Illinois—TT only.

¹⁸ Iowa—No waiting period for PP disability.

¹⁹ Kansas—Waiting period retroactive after 3 weeks.

²⁰ Kansas—Employee may consult a physician of own choice at any time, but employer is only liable for fees and charges up to \$500 for treatment. This unauthorized medical treatment cannot be used to obtain functional impairment ratings.

²¹ Kansas—Director must adopt rules which establish a maximum medical fee schedule subject to approval of an advisory panel. Fee schedule to be revised every 2 years.

²² Kentucky—"Gatekeeper" physician may be required to file a treatment plan; not necessary in every case. In addition, bills subjected to medical bill audit and may be required to go through utilization review.

²³ Louisiana—Choice of examining physician.

²⁴ Louisiana—Choice of treating physician.

²⁵ Maine—Firefighters are exempt from waiting period and receive compensation from date of disability.

²⁶ Maine—Employee may not change health care provider more than once without employer or board approval. This does not apply if referred to specialist.

²⁷ Michigan—Employer may choose physician for first 10 days of treatment, thereafter, employee may choose own physician by giving notice to employer.

²⁸ Minnesota—If employer has a managed care plan, employee must choose among the physicians within the plan with certain exceptions.

²⁹ Missouri—Employer retains right to choose physician. Medical fee dispute procedure established.

³⁰ Montana—Waiting period refers to number of days (hours) on which a worker has lost wages and is totally disabled and unable to work.

³¹ Nebraska—The first day of disability is included in 7-day waiting period; a partial day of disability is considered a full calendar day for purposes of waiting period.

³² Nebraska—Only if employee is informed of right to choose treating physician and does not have a physician with a record of previous treatment of employee or family member.

³³ Nebraska—Only if employee has a treating physician with a record of previous treatment with employee or family member. If employer does not inform employee of right to choose, employee may choose any doctor. If employer has informed employee of right to choose,

employee cannot change treating physician unless employer agrees, or court orders change. Employee may choose doctor for major surgery or if injury involves dismemberment.

³⁴ Nevada—Waiting and retroactive period is at least 5 consecutive or cumulative days within a 20-day period.

³⁵ Nevada—If employer's insurer has selected a managed care organization, employee is required to choose a treating physician or chiropractor from MCO list.

³⁶ Nevada—If employer's insurer does not have contract with an MCO or providers of health care, employee may select a physician or chiropractor from a panel established by the Division of Industrial Relations. If employer's insurer has a contract with an MCO or providers of health care services, employee must choose his or her treating physician pursuant to terms of contract. If dissatisfied, employee may change selection within 90 days to another physician or chiropractor from the panel or contract group.

³⁷ New Hampshire—Unlimited for those not under a managed care program.

³⁸ New Jersey—Employer responsible for all necessary and reasonable costs of medical care, including chiropractor authorized and selected by employer. Employee has no freedom of choice.

³⁹ Oregon—Costs subject to medical fee schedule as determined by director. Treatment may be restricted to MCO plan providers. Limitations on palliative care.

⁴⁰ Oregon—May choose physician or authorized nurse practitioners within state (or outside state if insurer approves). Allowed initial choice plus 2 changes; insurer may object to additional changes and require director's approval. Authorized nurse practitioner allowed to treat for 90 days from initial visit on initial claim. If governed by MCO, treatment and choice may be specified by the MCO contract.

⁴¹ Pennsylvania—Only if list of at least 6 designated health care providers. At least 3 of the providers must be physicians; no more than 4 of the providers may be coordinated care organizations or combinations thereof if posted and for the first 90 days after the first visit. Employee covered by such list may choose any suitable provider on the list.

⁴² Rhode Island—Fee schedule updated as necessary, not annually.

⁴³ Rhode Island—If employer has a Preferred Provider Network (PPN) in place, employee has choice of initial physician, but subsequent choices must be made from PPN or with permission of employer if outside PPN.

⁴⁴ South Dakota—Consecutive days, temporary disability only.

⁴⁵ Tennessee—Medical charges subject to medical fee schedule effective 7/1/05 and applies to medical services provided on or after 7/1/05.

⁴⁶ Texas—In-network—medical charges

subject to network contract. Nonnetwork—medical charges subject to division's medical fee guidelines.

⁴⁷ Texas—In-network—Employee chooses physician from list of network doctors and is allowed 1 change without approval. Subsequent changes must be approved by network. Nonnetwork—Employee chooses physician from division's Approved Doctor List (ADL) and is allowed 1 change of doctor with division approval.

⁴⁸ West Virginia—Costs subject to medical fee schedule, updated yearly.

⁴⁹ Puerto Rico—TT only. PT compensation paid from day of first medical treatment.

⁵⁰ Puerto Rico—Limitations on palliative treatments. *Sergio Torres Garcia v. State Insurance-Fund*, 6/30/81, Puerto Rico Supreme Court.

⁵¹ Puerto Rico—PT only.

⁵² Virgin Islands—Maximum of \$75,000 in medical benefits.

⁵³ Virgin Islands—Includes travel and accommodations.

⁵⁴ FECA—Waiting period for income benefits begins running after 45 days continuation of pay.

⁵⁵ Alberta—Employer required to pay compensation to injured worker for day of accident [section 25(1)(a) WC Act].

⁵⁶ British Columbia—Wage loss of 1 day and compensation for health care/medical expenses payable immediately (i.e. day of injury). Wage loss begins on first working day after injury [s. 5(2)]. Medical treatment paid by board on day of injury. Employer has responsibility to transport worker to medical treatment for initial treatment [s. 21(3)].

⁵⁷ British Columbia—Maximum wage rate applies (s. 31).

⁵⁸ British Columbia—[s. 21(7)] and RSCM #74.50.

⁵⁹ Manitoba—With the exception of medical aid, compensation is not paid for day on which accident occurs. Starting in 2006, employers are required to pay injured workers their regular wages and benefits for full day of injury.

⁶⁰ Manitoba—Clothing allowances effective 10/1/05. These allowances are indexed annually.

⁶¹ Newfoundland and Labrador—Employer payment for day on which accident occurs.

⁶² Nova Scotia—2 days if worker works 5-day weeks.

⁶³ Nova Scotia—If so required by employer.

⁶⁴ Employer must pay wages and benefits for day of injury.

⁶⁵ Ontario—May request worker receiving benefits to submit to exam by health professional selected and paid by employer.

⁶⁶ Ontario—Compensation payable during disability caused by damage to prosthetic device.

⁶⁷ Saskatchewan—These figures are for 2005.

Chart X—Rehabilitation of Disabled Workers

Jurisdiction	Source of Fund	Maintenance Allowance	Special Provisions
Alabama	No fund established	Board, lodging, and travel if away from home	Vocational rehabilitation to restore employee to gainful employment at employer's expense. Employee's refusal results in loss of compensation for period of refusal.
Alaska	No fund established	If PP compensation is exhausted prior to completion of reemployment process, additional compensation is paid at a reduced rate. ¹ Costs for travel and temporary lodging may be included in the plan costs	Employer pays for eligibility evaluation which must be performed if employee is totally unable to return to time-of-injury employment for 90 consecutive days. Within 30 days of eligibility determination employee must elect either reemployment benefits or job dislocation benefits. Reemployment benefit costs paid for by employer, up to \$10,000 or \$13,300 ² exclusive of rehabilitation professional fees. Job dislocation benefits (\$5,000/\$8,000/\$13,500) paid in a lump sum after determination of permanent partial impairment rating of 1-14%/15-29%/30% or greater.
Arizona	Special fund tax up to 1.5% on premiums written	Commission may authorize additional necessary awards to persons undergoing vocational rehabilitation	Industrial commission's special fund provides vocational rehabilitation for both scheduled and unscheduled injuries. The insurance carrier or self-insured employer may also make available vocational rehabilitation to claimants.
Arkansas	No fund established	Reasonable expenses for maintenance, travel, and other necessary costs; 72 weeks maximum	Must apply to commission. Commission may authorize vocational rehabilitation if reasonable in relation to disability, but worker may refuse.
California	No fund established	During rehabilitation, necessary living expenses plus either a maintenance allowance not exceeding \$246 per week (may be supplemented up to temporary disability maximum if medical condition has become permanent and stationary) or temporary disability indemnity. Only applies to dates of injury prior to 1/1/04	Vocational rehabilitation only applies to dates of injury prior to 1/1/04 and is limited to \$16,000 that applies to all services and benefits including training, counseling fees, placement, maintenance allowance, and other costs. A new Supplemental Job Displacement Benefit program applies to injuries on or after 1/1/04. This is a nontransferable voucher for education-related retraining or skill enhancement, or both, payable to a state-approved or accredited school. To qualify for this benefit, the employee does not return to work within 60 days after temporary disability ends and does not return to modified or alternative work. The maximum voucher amount is \$10,000. Under SJDB there is no maintenance allowance. ³
Colorado	No fund established for vocational rehabilitation	TT and plan expenses paid during plan by carrier or employer if offered and accepted	Voluntary benefit offered by carrier. If employee refuses offer of vocational rehabilitation, no PT benefits awarded.
Connecticut	Funded out of unified 5% assessment	Weekly subsistence allowance during vocational rehabilitation	Employer pays full cost of medical rehabilitation, which continues until employee reaches maximum improvement. Vocational rehabilitation is furnished by Rehabilitation Services in the Workers' Compensation Commission.
Delaware	No fund established	Reasonable board, lodging, and travel	Physical and vocational rehabilitation furnished at employer's expense. Employee's refusal results in loss of compensation.
District of Columbia	No fund established	Up to \$50 per week	Employer must provide vocational rehabilitation. Benefits forfeited if worker fails to cooperate.
Florida	Payments from Workers' Compensation Administration Trust Fund derived from assessments upon insurers and self-insurers; insurers can voluntarily provide services	Reasonable board, lodging, and travel if away from home	Insurance carrier is required to provide reemployment services for dates of accident 9/30/89 or before and may voluntarily provide services for dates of accidents after 10/1/89. The Division of Workers' Compensation shall pay for reemployment services for dates of accident 10/1/89 and after if such services are necessary for the injured employee to return to work. Carriers shall pay at least 26 weeks of the 52 weeks of rehabilitation TT benefits that an injured employee may be entitled to up to a maximum of 104 weeks of temporary benefits. ⁴
Georgia	No fund established	Reasonable board, lodging and travel if away from home	Rehabilitation benefits are compulsory only in catastrophic cases. Employee's unreasonable refusal may result in suspension of compensation.
Hawaii	No fund established	Board, lodging, travel, tuition, books, and basic materials in addition to compensation	Rehabilitation unit within the Department of Labor and Industrial Relations makes recommendation for vocational rehabilitation. Director approves services and reviews progress.
Idaho	Part of 2.5% Premium Tax Industrial Administration Fund	Reasonable expenses for maintenance and travel	Rehabilitation Division administers. TT or TP benefits may be payable where retraining is authorized. Period of retraining not to exceed 52 weeks unless the commission, following application and hearing, extends the period.
Illinois	No fund established	Maintenance costs and incidental expenses	Physical, mental, and vocational rehabilitation as necessary. Institutional care, if required.
Indiana	No fund established		Vocational rehabilitation available to any employee unable to attain gainful employment due to an occupational disease or injury. ⁵

Chart X—Rehabilitation of Disabled Workers, Cont.

Jurisdiction	Source of Fund	Maintenance Allowance	Special Provisions
Iowa	No fund established	\$100 weekly in addition to other compensation for 13 weeks	May be extended additional 13 weeks. Medical care includes physical rehabilitation.
Kansas	No fund established	Only by agreement of all parties	Employer or carrier may voluntarily provide vocational rehabilitation services under the Workers' Compensation Act.
Kentucky	No fund established	Board, lodging, and travel if away from home	Unlimited medical rehabilitation and vocational rehabilitation up to 52 weeks (may be extended). Employee's refusal results in loss of 50% of compensation.
Louisiana	No fund established	Board, lodging and travel paid by employer or carrier	Employer or carrier provides up to 26 weeks of vocational rehabilitation, extendable another 26 weeks. Benefits reduced 50% for refusal of necessary rehabilitation.
Maine	Employment Rehabilitation Fund ^a	Transportation or any extra and necessary expenses upon board order	Employee entitled to rehabilitation services when unable to perform work for which the employee has previous training or experience. Training, treatment, or service is only 52 weeks unless board extends. ⁷
Maryland	Paid for by insurers and self-insurers	Up to \$40 weekly paid by employer for a maximum of 24 months if employee is required to live away from home while in vocational rehabilitation	Workers Compensation Commission investigates claims and reports of disabilities for referral to state Department of Vocational Rehabilitation or to a private vendor. Employee is entitled to rehabilitation services with benefits paid at the same rate as TT. Employee's unreasonable refusal results in loss of compensation. Employer pays compensation for TT disability plus expenses of vocational assessment, rehabilitation, and maintenance allowance.
Massachusetts	Paid the same as compensation by employer or insurer ^a	Office of Education and Vocational Rehabilitation may approve room, board, and travel expenses for 52 weeks	Necessary cost of rehabilitation subject to approval by Office of Education and Vocational Rehabilitation. Benefits suspended for refusal to participate.
Michigan	No fund established	Transportation and other necessary expenses during 52 weeks training	Medical and vocational rehabilitation services under Workers' Compensation Bureau-approved facility. Bureau may extend training period additional 52 weeks; maximum 104 weeks.
Minnesota	No fund established	During rehabilitation plan—necessary expenses including tuition, books, travel, board, lodging, and custodial daycare. Employee receives TT benefits during retraining; up to 156 weeks	Qualified injured worker entitled to rehabilitation under a rehabilitation plan. ⁹ If approved as a plan, employer to provide retraining up to 156 weeks. Participant may request 25% benefit increase and is eligible for one-time relocation allowance. Employer may seek termination or suspension of benefits if worker fails to cooperate with plan. Rehabilitation may be requested and consultation provided at given times. ¹⁰
Mississippi	No fund established	Up to \$10 per week for up to 52 weeks	Commission cooperates with federal and state agencies.
Missouri	\$40 per week supplement paid from second injury fund, up to 20 weeks, using approved physical rehabilitation with cost of treatment paid by employer or insurer	Reasonable board, lodging, and travel if away from home, paid by employer or insurer. TT or TP benefits paid throughout duration of rehabilitation program	Administered by director of Division Workers' Compensation. Employer pays TT benefits up to 20 weeks during physical rehabilitation. Initial vocational plan up to 26 weeks; employers may extend plan up to 26 weeks. Refusal of employee to undergo vocational rehabilitation results in 50% reduction in TT or TP benefits. Refusal to attend approved physical rehabilitation may result in disqualification for TT or TP benefits.
Montana	For dates of injury prior to 7/1/97—Rehabilitation Fund by up to 1% tax upon compensation paid by insurers, self-insured, and state fund	Disabled workers, or WPI rating of 15% or greater, entitled to rehabilitation benefits at TT rate paid throughout the duration of rehabilitation plan (up to 104 weeks). Auxiliary benefits up to \$4,000 available for travel and relocation expenses, as well as implementation of rehabilitation plan	Rehabilitation provider provides certification that injured worker has vocational goals or reemployment opportunity, which will have a reasonable reduction in the worker's actual wage loss, and a rehabilitation plan agreed upon by the injured worker and the insurer. The rehabilitation plan must be completed within 26 weeks of the completion date specified in the plan and must begin within 78 weeks or upon reach of MMI.
Nebraska	Workers' Compensation Trust Fund by 2% of benefits paid by carriers and self-insurers in the state in prior year	Board, lodging, travel, tuition, fees, and books paid by fund. Temporary indemnity paid by self-insurer or carrier	Payments into fund suspended when fund reaches \$2,300,000. Assessment (2%) when fund reduced to \$1,200,000.
Nevada	Private carriers, self-insured employers, and associations of self-insured employers	"	Rehabilitation program is limited by percentage of PP award. Insurer is authorized to provide necessary rehabilitation services. Employee's refusal may result in loss of benefits. Payment of compensation in lump sum in lieu of vocational rehabilitation services available at insurer's discretion.
New Hampshire	No fund established	Board, lodging, travel, books, and basic materials in addition to compensation	Insurer must furnish rehabilitation services voluntarily, or may be ordered to do so by Commissioner. Limited to a period of 1 year, unless unusual circumstances. Vocational Rehabilitation Coordinator can assist in development of program. Benefits can be suspended for noncooperation with vocational rehabilitation.

Chart X—Rehabilitation of Disabled Workers, Cont.

Jurisdiction	Source of Fund	Maintenance Allowance	Special Provisions
New Jersey	No fund established		Worker receiving PT benefits will be referred to Division of Vocational Rehabilitation (DVR) at 450 weeks. PT disability benefits may be stopped after 450 weeks unless worker has submitted to physical or educational retraining, as required by DVR. Benefits will continue if DVR certifies that petitioner is still totally disabled.
New Mexico	No fund established		Only in cases of occupational disease; employer must furnish.
New York	\$2,000 no dependency death cases	Up to \$30 per week for rehabilitation maintenance	The statute provides for direction of the rehabilitation process by the state Education Department.
North Carolina	No fund established		Insurer must furnish rehabilitation services required to lessen disability. Employee's unreasonable refusal of services ordered by commission results in loss of compensation for period of refusal.
North Dakota	Benefit Fund	Rehabilitation allowance (plus supplies, tuition, fees, and books) in lieu of and equal to compensation for up to 2 years, plus 25% if maintaining 2 domiciles	Vocational Rehabilitation Program may assist injured workers to return to work to include retraining, education, support, and job placement services. Injured worker may decline these services.
Ohio	State Insurance Fund	Same as for TT disability, minimum 50% of the SAWW for 6 months (renewable) ¹²	Rehabilitation Division (within the Bureau of Workers' Compensation) may make all necessary expenditures, medically including treatment of nonoccupational conditions inhibiting return to work.
Oklahoma	No fund established	Board, lodging, travel, tuition, and books	Court may order necessary rehabilitation up to 52 weeks; may also order additional 52 weeks.
Oregon	No fund established	TT benefits during training. Necessary expenses including tuition, books, some travel costs, and tools	Insurer must provide vocational assistance to permanently disabled workers who cannot return to work at a wage at least 80% of wage at injury.
Pennsylvania	Federal and state sources	State Office of Vocational Rehabilitation or private rehabilitation may provide cash payments for living expenses	State Office of Vocational Rehabilitation or private rehabilitation may provide physical restoration, training, support, and job placement services.
Rhode Island	Workers' Compensation Administrative Fund, private carriers, and self-insured employers	Board, lodging, and travel	The department operates the Dr. John E. Donley Rehabilitation Center. Compensation suspended for willful refusal of suitable employment or rehabilitation.
South Carolina	No fund established		No specific statutory provision.
South Dakota		Compensation paid up to 60 days if pursuing rehabilitation	TT benefits during period of approved vocational rehabilitation, or 120% of TT less week by earnings.
Tennessee	No fund established	Physical rehabilitation covered under medical services; employee must accept or compensation is suspended	Division of Workers' Compensation refers feasible cases to Department of Education pursuant to plan providing full or partial recovery of expenses from employer or insurer.
Texas	No fund established		Insurer furnishes necessary medical care and services for physical rehabilitation. Commission may notify employees of vocational rehabilitation services through the Department of Assistive and Rehabilitative Services and private providers. Commission keeps registry of private providers of rehabilitation services.
Utah	Voluntary by insurance carrier		If worker cannot be rehabilitated, worker receives benefits for life from employer or insurance carrier; minimum is 36% of current SAWW.
Vermont	No fund established	Board, lodging, travel, books, and tools	Insurer furnishes reasonable and necessary rehabilitation services to an employee unable to return to suitable employment due to their work injury. Commissioner may order vocational rehabilitation services. Employee may decline services.
Virginia	No fund established		Commission may award compensation, medical care, and vocational rehabilitation. Employer may be required to furnish and maintain wheelchairs, bedside lifts, adjustable beds, and make alterations to home; maximum \$25,000 (wheelchairs exempt from maximum). Employee's unreasonable refusal may suspend compensation.
Washington	Medical Aid Fund	Compensation; training costs, books, equipment, and child care allowance; up to 52 weeks (maximum \$4,000). Travel or board and lodging may also be paid	Supervisor may extend period for another 52 weeks. Department pays employer's cost of job modification, or accommodations medically necessary for the worker to participate in a retraining plan up to \$5,000.
West Virginia	State Fund	Up to \$20,000 (includes books, supplies, travel, lodging, and tools for training purposes). No limit on physical rehabilitation cost. ¹³ Eligible for TT benefits for approved physical or vocational program up to 104 weeks	Division managers review for appropriateness of rehab services. Early intervention and return to original employer emphasized utilizing transferable skills. TP benefits may be paid as wage differential for up to 2 years.

Chart X—Rehabilitation of Disabled Workers, Cont.

Jurisdiction	Source of Fund	Maintenance Allowance	Special Provisions
Wisconsin	No fund established	TT benefits, travel, and necessary maintenance if away from home	80-week period may be extended with division's permission if necessary. Division refers feasible cases to Department of Vocational Rehabilitation. If Department of Vocational Rehabilitation cannot serve the employee, employee is eligible to select a private specialist to provide vocational rehabilitation services.
Wyoming	Workers' Compensation Fund	As required to achieve vocational goal	Work with state Division of Vocational Rehabilitation after eligibility determination with individualized rehabilitation plan.
American Samoa	State Fund		
Guam	State Fund (appropriation)	\$50 per week in addition to other compensation	Commission directs the vocational rehabilitation of permanently disabled employees and arranges with the appropriate public or private agencies for such education.
Puerto Rico	State Fund	Administrator may grant \$65 weekly up to 26 weeks	Rehabilitation center provides physical, medical, and rehabilitation services.
Virgin Islands	Government Insurance Fund	Board, lodging, and travel	Department of Labor cooperates with Department of Human Services. Income benefits increased to 75% SAWV. Income benefits during rehabilitation suspended for employee's refusal to accept vocational rehabilitation.
FECA	Employees' Compensation Fund	Up to \$200 per month	If person fails to undergo Vocational Rehabilitation, administrator may reduce benefit if rehabilitation would have increased earnings.
Longshore Act	Special Fund	Up to \$25 per week	Surplus in Fund in any 1 year may be carried over. Appropriations authorized.
Alberta	Accident Fund	Discretion of board	Board operates physical rehabilitation center, may make necessary expenditures to aid rehabilitation, and may provide vocational rehabilitation to a dependent spouse.
British Columbia	Accident Fund	Discretion of board	Board may provide assistance or make expenditures determined to be reasonably necessary to assist injured workers in their return to work or vocational rehabilitation. In case of fatality, board may also provide vocational rehabilitation assistance to surviving dependent spouses and dependants of deceased workers (s. 16).
Manitoba	Accident Fund	Discretion of board	Board may make necessary expenditures to aid rehabilitation. The spouse or common-law partner of deceased worker may be entitled to rehabilitation under certain circumstances.
New Brunswick	Accident Fund	Discretion of commission	Commission operates physical rehabilitation center and may make necessary expenditures to aid rehabilitation.
Newfoundland and Labrador	Injury Fund	Discretion of commission	Commission may make expenditures as necessary or expedient to aid a worker's rehabilitation and market reentry.
Northwest Territories and Nunavut	Accident Fund	Discretion of board	Board may make necessary expenditures to aid rehabilitation.
Nova Scotia	Accident Fund	Discretion of board	Board may make necessary expenditures to aid rehabilitation.
Ontario	Schedule 1—Insurance Fund Schedule 2—Employer's individually	Discretion of board	No limit on amount in any 1 case or in any 1 year for labor market re-entry plans. Surviving spouses entitled to same level of labor market re-entry services as injured workers.
Prince Edward Island	Accident Fund	Discretion of board	Board may make necessary expenditures to aid rehabilitation.
Québec	Accident Fund; individual liability for employers held personally responsible for payment of benefits	Discretion of board	Board may make necessary expenditures to aid rehabilitation and may provide vocational rehabilitation to a dependent spouse.
Saskatchewan	Injury Fund	Discretion of board	Board provides on-the-job training, academic training, employer assistance, and physical and occupational therapy. Vocational training available for spouse; educational allowance for dependent children of fatally injured workers.
Yukon Territory	Compensation Fund	Discretion of board	Board may make necessary expenditures to aid rehabilitation.
Canadian Merchant Seamen's Act	No fund established	No specific statutory provision	No specific statutory provision.

Notes

¹ Alaska—12.5% less than regular weekly compensation rate, up to \$765 per week.

² Alaska—Higher amount applies to injuries after 7/1/00; benefits may be terminated for non-cooperation.

³ California—For injuries occurring on or after 1/1/04.

⁴ Florida—Refusal to accept reemployment services deemed necessary by division may result in discontinuation of wage replacement benefits.

⁵ Indiana—State rehabilitation services board administers vocational rehabilitation programs. Compensation suspended for refusal of suitable employment by partially-disabled claimant.

⁶ Maine—Board may levy assessment on each insurer based on paid losses for previous year when amount in fund is less than \$500,000. Fund also receives sum equal to 100 times AWW when work-related injury caused employee death and there are no dependents.

⁷ Maine—Office of Rehabilitation may implement and pay for out of rehabilitation fund a plan previously rejected by the employer. If the plan proves successful, the fund may assess employer up to 180% of plan implementation costs.

⁸ Massachusetts—If insurer refuses payment, rehabilitation may be paid by trust fund. If rehabilitation is successful, insurer assessed no less than twice cost of rehabilitation.

⁹ Minnesota—Surviving spouse may also request rehabilitation.

¹⁰ Minnesota—Expenses of rehabilitation are borne by employer or insurer. Vocational rehabilitation is provided in most rehabilitation plans. Physical rehabilitation is a medical expense.

¹¹ Nevada—Vocational rehabilitation services must not be provided outside of Nevada except in limited circumstances where employee lives within 50 miles of border or was an out-of-state resident temporarily employed in Nevada at time

of injury. Such employees may be eligible for lump sum up to \$20,000. If out-of-state employee, may relocate to within 50 miles of Nevada border at own expense and receive services available at that location. Injured employees who are incarcerated and their dependents are not entitled to vocational rehabilitation benefits during period of incarceration. At insurer's discretion, employee with permanent limitation may be offered lump sum in lieu of vocational rehabilitation services; acceptance of lump sum extinguishes right to receive services.

¹² Ohio—If claimant returns to lesser-paying job while in rehabilitation, wage loss compensation of difference between wage at time of injury and wage at job while in rehabilitation program can be paid.

¹³ West Virginia—Work conditions and work hardening programs are subject to fee schedule.

Part 3—Administration of Laws

Because workers' compensation grew out of a public dissatisfaction with the manner in which job-related disabilities were handled, it is not surprising that the system was designed with an eye toward prompt and effective disposition of disability cases. Without an effective delivery system, many of the problems associated with the common law and employer liability statutes would remain.

This requirement for an effective delivery system remains valid today. The National Commission on State Workmen's Compensation Laws, in listing this as a major objective for a modern workers' compensation system, made special note that the achievement of the system's objectives for protecting against workplace disabilities was dependent on an effective system for delivery of benefits and services. This observation was reaffirmed by a second federal report on workers' compensation delivery in 1977, which emphasized the importance of efficient program administration.

As originally envisioned, the system would be self-administering. However, over time the complexities of the system proved too much for a laissez-faire approach, and states moved to take a more affirmative role in the administration of their laws.

Generally, the states moved either to administer their laws through their court system, a special commission or board, or a combination of both. In Canada, administrative activities are carried out by a board. The principal areas of administration include:

- + Supervision of compliance with statutory requirements for employers, employees, carriers, and medical and legal personnel
- + Investigation and decision on disputed claims and the supervision of medical and vocational rehabilitation
- + Management of second-injury funds, and special assessment requirements
- + Collection of data and evaluation of program performance

Administration: Notice to Employer and Claims (Chart XI)

Workers' compensation laws generally are administered by commissions or boards created by law. A few states provide for court administration.

Chart XI shows statutory provisions relating to administration. These include:

- + Time limits in which employers must be advised of injury
- + Time in which claims must be filed
- + Claim settlement conditions
- + Regulation of attorney's fees

Employer's Report of Accidents (Chart XII)

All employers are interested in requirements legally imposed on them to report injuries and the penalty, if any, imposed for failure to report. In many jurisdictions, except for preliminary reports, the insurer relieves an employer of this burden. Provisions for employer reporting of accidents are summarized in Chart XII.

Second-Injury Funds (Chart XIII)

Second-injury funds (or similar arrangements) were developed to meet problems arising when a preexisting injury combines with a second to produce a disability greater than that caused by the latter alone. The funds encourage hiring of the physically handicapped and allocate costs of providing benefits to such employees more equitably.

Second-injury employers pay compensation related to the disability caused by the second injury alone—even though the employee receives a benefit relating to the combined disability; the difference is made up from a second-injury fund.

Where no special second-injury fund is provided by law, an employer in whose employment a second injury is sustained usually is liable for compensation due for the total resulting disability. Because of the potential increased cost of compensation benefits, an employer may be influenced to refuse employment to handicapped persons. It is for this reason that second-injury funds are advocated.

Most compensation laws now limit employer liability in second-injury cases to payment for the disability resulting from the second injury considered by itself—as shown in Chart XIII. The chart indicates the nature of the injury covered, portion payable by the employer and by the fund, and the sources for the fund.

Administration Expenses (Chart XIV)

Chart XIV refers to:

- + How the costs of administration are met;
- + Nature of assessments, if any; and
- + Types of insurance provided for—whether private, state, or both.

Appeal Provisions (Chart XV)

Appeal provisions, including designation of the court of appeal and nature of the procedures, are summarized in Chart XV. Most Canadian jurisdictions use the inquiry system and do not provide for judicial appeals.

Directory of Administrators (Chart XVI)

The names and addresses of the administrators, boards, and commissioners for all jurisdictions reported on by the *Analysis* are provided in Chart XVI. The Internet addresses are listed for those administrators with web pages.

Chart XI—Administration: Notice to Employer and Claims

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims Are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Alabama	Courts	In writing or verbally within 5 days; excusable up to 90 days	Within 2 years after accident, last payment or removal, or incapacity.	By agreement, which must conform substantially to terms of act unless court approves lesser sum. Disputed cases settled by courts.	Lien when registered with probate judge		Award for more than 6 months at any time by agreement of parties with court approval	Fixed by Circuit Court judge up to 15% award. All litigation expenses and attorney's fees must be reported to the director.
Alaska	Workers' Compensation Division	In writing to division and employer within 30 days; excusable. ¹ Forthwith; excusable	Within 2 years after knowledge of disability. Within 1 year after death or 2 years after last payment.	By agreement, upon filing with division where claimant or beneficiary is unrepresented by an attorney licensed in Alaska, is a minor, or is waiting future medical benefits. Agreement must be reviewed and approved by division.	Lien; recording required within 1 year of injury. Interest and penalties accrue	By division	Within 1 year after last payment of compensation or after rejection of claim	Board must approve all claimants attorney's fee payments. Defendants pay successful claimants' attorney's fees in addition to benefits awarded unless benefits were neither converted nor otherwise resisted. Fees awarded for successfully obtaining converted benefits at least 25% of first \$1,000 and 10% of the balance. All fee awards must be fully compensatory and reasonable. No maximum.
Arizona	Industrial Commission	Forthwith; excusable	Within 1 year after injury or accrual of right; excusable. ² Claim not barred if compensation has commenced.	By commission.	Decision of award is effective upon finality; lien upon filing	By ALJ within 30 days	By ALJ on application	Commission may regulate; maximum 25% of award.
Arkansas	Workers' Compensation Commission		Within 2 years after injury or death or 1 year after last payment of compensation, whichever is later. Note that the statute of limitation is different for occupational disease (see Chart IV).	Compensation without award except if contested claim. Disputed claims heard by commission member, or ALJ upon application. Settlements may be approved by joint petition. Disputes may be resolved through mediation. ³	Preference rights of unpaid wage claims	By commission within 30 days of ALJ decision. Within 30 days from commission to Court of Appeals	By commission within 6 months of end of compensation period except in joint petition settlement ⁴	25% of disability benefits awarded.
California	Division of Workers' Compensation; Appeals Board handles judicial functions	In writing within 30 days; excusable. Within 1 day of receiving notice or having knowledge of injury, employer must provide injured worker with claim form	Disability—within 1 year from date of injury or last payment. Death—within 1 year after death to 240 weeks after injury.	By agreement upon approval of Appeals Board, which may order hearing. Disputed cases settled by Appeals Board on application.	Judgment of filing in Superior Court	By Appeals Board from workers' compensation judge's finding	Reconsideration within 20 days; no modification after 5 years	Reasonable fee fixed by Appeals Board. If court finds no reasonable basis for appeal, Appeals Board may award fees as supplementary award. ⁵

Chart XI—Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims Are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Colorado	Division of Workers' Compensation; Division of Administrative Hearings handles hearings	In writing within 4 days; excusable (claimant may lose up to 1 day's compensation for each day's delay)	Within 2 years after injury or death. ^a Does not apply if compensation paid or if reasonable excuse within 3 years.	By agreement approved by director or ALJ. Disputes may be resolved through mediation, pre-hearing conference, and formal hearings.	Judgment on filing copy of award against uninsured employer in District Court; decision of award is effective upon finality	By director or ALJ within 20 days, then by Industrial Claims Appeals Office within 20 days	Reopening by director within 6 years from date of accident or 2 years after last payment, whichever is later ^a	On unappealed and contested cases, a contingent attorney fee not exceeding 20% of the amount of the contested benefit shall be presumed to be reasonable. Director determines reasonableness of fee on request of claimant or attorney.
Connecticut	Workers' Compensation commissioners; 1 chair and 15 members	Forthwith; excusable ^a	Within 1 year after accident or within 3 years of first manifestation of disease. If death results, within 2 years after accident or disease, within 2 years from accident or disease, or within 1 year from death, whichever is later.	By agreement, on approval of commission. Disputed cases settled by commission.	Judgment on filing in Superior Court. Award has preference rights on unpaid wages	By Compensation Review Board ^a within 20 days	By commissioner during compensation period	Subject to approval by commissioner.
Delaware	Office of Workers' Compensation	If notice not given in 90 days, no compensation due until notice or knowledge of injury	Within 2 years after injury, death, or 5 years from last payment.	By agreement, on approval of board. Disputed cases settled by board and/or hearing officer after hearing.	Preference rights of unpaid claims		By board and/or hearing officer at any time, but no more than once each 6 months	Attorney/client agreement.
District of Columbia	Office of Workers' Compensation	In writing within 30 days; excusable	Within 1 year after accident or last payment.	By agreement, subject to approval of Office of Workers' Compensation; approval automatic if both parties represented by legal counsel.	Award is effective upon filing	By director of Department of Employment Services on application, or own motion	By office issuing the award within 1 year after last payment or denial of claim on motion or application of interested party	By office or court before which work was performed.
District of Columbia Government Workers	Office of Benefits Administration	48 hours; extended for cause	Within 60 days after injury or 1 year after death; extended for cause.	By the Office of Disability Compensation.	Fund pays award	By administrator upon own motion or application at any time	By administrator	Subject to approval by administrator, office, or court before which the work was performed.
Florida	Division of Workers' Compensation	Within 30 days after injury, death, or employee's first knowledge of injury or illness	Within 2 years after injury or death, or 1 year from last payment, or authorized medical treatment.	By lump sum, payment to injured workers allows total closure of claim at any time if the worker is represented by an attorney. If the employee is not represented, lump-sum settlements are permitted after MMI or when the carrier filed a denial within 120 days after date of injury.	May be filed in proper court; execution or other process in Circuit Court		Joint petitions or stipulations so ordered by judges are not subject to modification	Sliding scale subject to approval of judge of compensation claims or court.

Chart XI—Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims Are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Georgia	Board of Workers' Compensation	Within 30 days; excusable	Within 1 year after injury, death or medical care or within 2 years after last payment.	Compensation without award except in contested claims. Disputed claims settled by board, director, ALJ, or through mediation. ¹⁰	Judgment in Superior Court on certified copy of award ¹¹	By board on application within 20 days	By board on application or own motion within 2 years after final payment (4 years for PP). Final settlement may not be modified	Fees in excess of \$100 subject to board approval. Board may assess attorney's fees against any party who proceeds without reasonable grounds or fails to provide income benefits as required. Maximum recovery fee is 25% of income benefit received.
Hawaii	Director of Labor and Industrial Relations	Forthwith; excusable	2 years after date on which effects of injury become manifest but within 5 years after date of accident causing injury.	By agreement or decision that must be prepared by director within 60 days after conclusion of hearing. ¹² If not agreed, director makes award.	Judgment on filing in Circuit Court	By Appellate Board within 20 days	By director on own motion or any party on own application within 20 days but no later than 8 years after decision	Subject to approval of director.
Idaho	Industrial Commission	In writing 60 days after accident; excusable	Within 1 year after injury or death. ¹³	By agreement, subject to approval of commission. Disputes settled by commission or member after hearing.	Judgment in District Court on filing certified copy of award	By commission within 20 days	By commission within 5 years of accident, but not more than once in 6 months	Subject to approval of commission. 25% without hearing; 30% with hearing. Disclosure required.
Illinois	Illinois Workers' Compensation Commission	Within 45 days. ¹⁴ For radiological injury, within 90 days after worker knows or suspects exposure to an excessive dose of radiation	Barred after 3 years from injury or death, or 2 years after last payment, whichever is later. Radiation and asbestos—within 25 years after last exposure for injury. Death—within 3 years.	By agreement, subject to approval of commission after 7 days from injury. Disputed cases settled by arbitrator.	Judgment in Circuit Court on filing certified copy of award	By commission from decision of arbitrator within 30 days	By commission within 30 months or agreement or award	Maximum 20% of compensation paid, up to 364 weeks of PT disability. Unreasonable or vexatious delay by employer or carrier in payment of compensation may be penalized by cost of attorney's fees.
Indiana	Workers' Compensation Board	In writing as soon as practicable; excusable. Compensation may accrue from date of notice if given after 30 days	Within 2 years after injury or death. Radiation—2 years after worker knows or should have known relation to employment.	By agreement, after 7 days from injury or at any time after death, subject to approval of board. Disputed cases settled by board member on application.	Judgment in Circuit Court on certified copy of agreement or award; preference rights of unpaid wages	By full board within 30 days after award	By board on application or own motion, within 2 years after last day for which compensation is paid	Subject to approval of board. Limits on fees in recoverability in third party suits, basing fees on amounts actually repaid to insurer or employer. Fees paid out of award unless bad faith by employer or lack of diligence, in which case paid by employer. Minimum fee is \$200.
Iowa	Division of Workers' Compensation	Within 90 days after injury unless employer has actual knowledge	Within 2 years after injury or 3 years after last weekly payment.	Compensation without award except in contested cases, but claim may be settled by agreement, subject to approval of Workers' Compensation commissioner.	Judgment in District Court on filing certified copy of agreement or decision	By commissioner from decision of Deputy Commissioner within 20 days	By commissioner within 3 years from award, or noncontested settlement	Fixed by written contract between parties.

Chart XI—Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims Are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Kansas	Division of Workers' Compensation	Within 10 days and up to 75 days with just cause	Claim must be served on employer within 200 days after accident or last payment, or within 1 year after death for death within 5 years after accident. Application for hearing must be filed with division within 3 years after accident or within 2 years after last payment, whichever is later. ¹⁵	By agreement, disputed cases settled by ALJ after hearing, subject to appeal to Workers' Compensation Board.		Appeal to Workers' Compensation Board must be filed within 10 days of decision by ALJ	By ALJ, before final payment and within 1 year of prior approval on application	Fixed by written contract. Maximum of 25% of compensation recovered as a result of attorney's involvement.
Kentucky	Office of Workers' Claims	In writing as soon as practicable; excusable	Within 2 years after accident, death, or last voluntary income benefit payment. Limits toll during minority or incapacity.	By agreement, subject to approval by ALJ. Disputed cases settled by an ALJ in a de novo proceeding.	Judgment in Circuit Court on filing certified copy of award or approved agreement	Initial appeal from ALJ is to the Workers' Compensation Board within 30 days. Petition for reconsideration of any patent error required within 14 days of ALJ's decision and necessary prior to appeal to Workers' Compensation Board	By ALJ at any time, on application or own motion ¹⁶	For contracts entered into on or after 7/14/00, plaintiff's attorney fee is 20% of first \$25,000, 15% of next \$10,000 and 5% of remainder of the award up to a maximum fee of \$12,000. Maximum fee for employer's attorney is \$12,000.
Louisiana	Office of Workers' Compensation Administration	Within 30 days (12 months if employer fails to post requirements); excusable	Within 1 year after accident, death, or last payment, if injury has a delayed development, then 1 year from time injury develops, but in no cases more than 2 years from date of accident.	By agreement, subject to approval of ALJ. ¹⁷	Approved settlement entered as judgment	No review by agency or District Court; appeals go to Court of Appeals	By Workers' Compensation judge or any time by agreement	Subject to Workers' Compensation judge's approval; maximum 20% of all amounts received and 10% of any additional amount.
Maine	Workers' Compensation Board	Within 90 days after injury; within 3 months after death; excusable for mistake of fact	Within 6 years after accident or last payment, ¹⁸ or within 1 year after death. If mistake of fact or fraud, within a reasonable time, but no more than 6 years after last payment in any case.	Compensation without award except in contested cases. Disputed cases settled by board.	Decision enforceable in Superior Court by suitable process	By single hearing officer	On application, approved lump sum is final except employer is not released from liability for future medical expenses unless lump-sum agreement is contingent on release from such liability	For injuries on or after 1/1/93, each party responsible for payment of own cost and attorney's fees. Fees subject to board approval. Non-lawyers authorized to represent any party unless such representation prevents the efficient processing of any proceeding. Workers' Compensation Board provides a worker advocate to qualified employees at board's expense.
Maryland	Workers' Compensation Commission	Within 10 days after injury (30 days for hernia); within 30 days after death; excusable	Within 60 days after disability begins; excusable to 2 years. Within 18 months after death. ¹⁹	By agreement, subject to approval of commission. Disputed cases are tried by the commission; hearing required on application.		By Commission de novo appeal to Circuit Court (commission decision presumed correct). Additional appeals on questions of law to appellate courts	From final award on application or own motion within 5 years after the date of the last payment of compensation	Subject to approval of commission pursuant to fee guide for attorneys.

Chart XI—Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims Are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Massachusetts	Department of Industrial Accidents	In writing as soon as practicable; excusable	Within 4 years after injury, death, or onset of disability; excusable.	By agreement, subject to approval of department. Disputed cases settled by member of the Industrial Accidents Board after preliminary conference prior to hearing.	Decree in Superior Court on certified copy of agreement or decision	By 6-member reviewing board from decision of member	On application at any time; limited in death cases	Subject to board approval. Amount fixed, subject to COLA, according to state of proceedings. ²⁰
Michigan	Workers' Compensation Agency	Within 90 days after injury; excusable	Within 2 years after injury, death, recovery from incapacity, or after worker knew or should have known relation of disease to employment. ²¹	Compensation without award except in contested cases. Disputed cases settled by magistrate (by bureau if small dispute).	Judgment in Circuit Court on filing certified copy of award	By Appellate Commission within 30 days from decision of magistrate		Subject to approval of bureau based on administrative rules and contingency fee schedules.
Minnesota	Commissioner of Labor and Industry as head of Workers' Compensation Division and Administration ²²	Within 30 days unless employer has actual knowledge; excusable up to 180 days unless prejudice shown	Within 3 years after employer's report; no more than 6 years from date of injury. Occupational disease—within 3 years after employee knows cause of disability. ²³	Compensation without award except in contested cases. Claims settled by agreement subject to judicial approval. Presumed fair if both sides represented by attorney and medical and rehabilitation left open. Hearing determination subject to appeal.	Award is binding and may be enforced by penalty or entering judgment in District Court	Appeals must be filed with Workers' Compensation Court of Appeals within 30 days from decision of compensation judge	By petition to Workers' Compensation Court of Appeals to vacate	Approval by division or compensation judge of 25% of first \$4,000 compensation, 20% of the next \$60,000 subject to a maximum amount determined by a 7-factor analysis.
Mississippi	Workers' Compensation Commission	Within 30 days; excusable	Within 2 years after injury or death.	Compensation paid without award except in contested claims. Disputed claims heard by Commission member or referee on application. Claims are settled on compromise basis by agreement, subject to commission approval.	Lien against assets and has preference rights of unpaid wages	By commission if appealed within 20 days from decision of ALJ	By commission on application or own motion within 1 year from last payment or claim rejection	Subject to approval of commission or court. Maximum is 25% of award in matters before the commission.
Missouri	Division of Workers' Compensation	In writing within 30 days unless employer has actual knowledge. Division notifies worker of rights	Within 2 years after injury or death, or last payment (3 years if no report filed).	After 7 days from injury or death, through mediation or by compromise settlement, upon approval by ALJ, legal advisor, or commission. Disputed cases closed on award by ALJ.	Judgment in Circuit Court on certified copy of memorandum of agreement, order, decision, or award of division or commission.	By Industrial Commission within 20 days	By commission on application or own motion, after notice and hearing	Commission or division may allow reasonable fees.
Montana	Department of Labor and Industry	For injuries not resulting in death, within 30 days unless employer has actual knowledge	Verified claim within 12 months after accident; insurer may grant additional 24 months.	By agreement and subject to approval of department. Any dispute over conversion of benefits to lump sum or over amount of benefits is submitted to a mediator and then to the Workers' Compensation Court if necessary.	Insurer will pay award after order received	By Department of Labor and Industry. 14 days to approve or disapprove settlement. If date of injury prior to 7/1/87, order is reviewed by Workers' Compensation Court Judge, who has 10 days to disapprove settlement	May not be reopened by department	May be fixed by department or Workers' Compensation judge. Added to successful claimant's award on appeals. Not awardable by court unless insurer's actions in denying liability or terminating benefits was unreasonable.

Chart XI—Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims Are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Nebraska	Workers' Compensation Court	In writing as soon as practicable; excusable	Within 2 years after injury, death, removal of incapacity, or last payment.	By agreement, in accordance with act. Disputed claims submitted to Compensation Court for hearing or informal dispute resolution. Lump sums approved by Compensation Court.	Award is final unless appealed in a timely manner	By Compensation Court	By agreement, subject to approval of Compensation Court or on application after 6 months by Compensation Court	Subject to approval of judge of Compensation Court (for lien purposes).
Nevada	Division of Industrial Relations	Within 7 days of injury	Within 90 days after accident or 1 year after death. ²⁴	By agreement in conformity with Act, subject to approval of insured. ²⁵	Insurers are required to comply within 30 days after award is issued, unless stay is entered. If party applies for stay that is denied, in specified circumstance, installment payments may be made. ²⁶	Department of Administration holds hearings and appeals for contested claims	Medical investigation may be conducted at any time based on changed circumstance	District Court may assess costs and fees if appeal is frivolous. At appeal level and above, claimant may utilize free services of Nevada Attorney for Injured Workers for representation.
New Hampshire	Division of Workers' Compensation	As soon as practicable but no later than 2 years after date of injury	Within 2 years after injury or death and claimant knew or should have known of injury and relation to employment.	If compensability of claim is contested, aggrieved party may request a hearing at division. Disputes may also be settled by lump sum with division approval.	Payment within 5 working days. Employer's failure to comply with an award may result in a penalty of no more than \$100 per day	By commissioner	Commissioner of labor may modify no later than 4 years after last indemnity payment except lump sums	Established by operating policy—20% to 25%; no provision regarding lien against award; statutory provision added in some cases to award. Attorney's fees and interest to successful claimant on appeal.
New Jersey	Division of Workers' Compensation	Within 14 days; excusable up to 90 days. Separate provision for occupational disease.	Within 2 years after accident, death, or failure to pay, or default. Separate provisions for occupational diseases.	By agreement, subject to approval of Judge of Compensation. Disputed cases litigated before compensation judge.	Final unless appealed to Superior Court	Appeals are to the Appellate Division of the Superior Court	Application to review or modify prior award to judge of compensation within 2 years of last payment of compensation	Not more than 20% before division. Court may fix reasonable fee on appeal.
New Mexico	Workers' Compensation Administration	In writing within 15 days; excusable up to 60 days ²⁷	Within 1 year after notice, death, or failure to pay. ²⁸ Time tolled up to an additional year if still in same employment.	By agreement through mandatory mediation conducted by agency staff attorneys. Disputed cases resolved through hearings presided by agency judge. Restricted lump-sum settlements must be approved by judge. ²⁹	Award is judgment	Reviewed by Court of Appeals	By workers' compensation judge, hearing for modifications may be held at not less than 6-month intervals	Determined by workers' compensation judge; up to \$16,500 for both parties' attorneys, including all levels of appeal. Cost of attorney is split 50/50 by employer and employee.

Chart XI—Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims Are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
New York	Workers' Compensation Board	In writing within 30 days; excusable	Within 2 years after accident or death or disability from occupational disease, or after the claimant knew or should have known that disease is or was due to nature of employment.	Compensation without award within 18 days after disability or within 10 days after employer had knowledge, except in contested claims. Disputed claims settled by referee or board. Referral to motion process and conciliation mandatory if claim within parameters set by law. If issue not settled, referred to hearing calendar. If motion process or conciliation not appropriate, hearing is mandatory upon application. Employer may make temporary payments of compensation up to 1 year without prejudice or admitting liability if unsure of the extent of liability for claim. Written stipulated settlements upon approval by board.	Payment within 10 days after decision except when review application has been filed by carrier or self-insured employer	Review of Workers' Compensation Law Judge decision is by 3-member panel of the board. A split decision is reviewable by full board; review of other decisions is discretionary.	By board upon application by party or own motion unless claim settled pursuant to WCL § 32 or prohibited by WCL § 123	All attorney fees must be approved by the board. Fee award amounts set by worker's compensation law judge or commissioner.
North Carolina	Industrial Commission	In writing within 30 days; excusable	Within 2 years of final determination of disability or within 6 years after death from occupational disease or accident.	By agreement, after 7 days from injury or at any time in case of death, subject to approval of commission. Disputed cases settled by commission or member or through mediation.	Judgment in Superior Court of filing certified copy of agreement or decision	By commission upon application within 15 days after award	By commission on application or own motion, within 2 years	Subject to approval of commission, which may impose court costs and fees against party who proceeds without reasonable ground.
North Dakota	Workforce Safety and Insurance (WSI)	Within 7 days	Within 1 year after injury or 2 years after death.	By WSI.	By WSI		By WSI at any time upon application or own motion	If prevailing—effective 8/1/05, \$115 per hour, subject to caps. ³⁰
Ohio	Bureau of Workers' Compensation and Industrial Commission	Within 7 days	Within 2 years after accident, injury, occupational disease, or death. ³¹	By agreement, subject to 30-day waiting period and review by bureau; Industrial Commission may reject settlement that is a gross miscarriage of justice or clearly unfair.	Fund or self-insurer pays award after judgment	By district hearing officer, then staff hearing officer, then commission within 14 days after decision	By commission or bureau within 6 years after last medical payment (no lost time) or 10 years from last payment or death (lost time)	Attorney's fees are fixed by judge based on effort expended up to \$2,500.

Chart XI—Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims Are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Oklahoma	Workers' Compensation Court and an administrator	Injury—within 30 days of date of injury. Occupational disease or cumulative trauma—within 90 days of worker's separation from employment	Within 2 years after injury or last payment. Death—within 2 years after death or last payment.	By agreement, after 3-day disability, subject to approval of Workers' Compensation Court. If both parties agree, they may enter into nonbinding mediation. Disputed cases resolved by court.	Payment within 20 days except in event of appeal. Enforcement of judgment in District Court upon motion to certify	By Workers' Compensation Court on appeal within 10 days or by Supreme Court on appeal within 20 days	By Workers' Compensation Court on application or own motion. May reopen case within maximum number of weeks for which award is possible, or 208 weeks for non-scheduled injuries	Workers' Compensation Court must approve and direct payment; 10% maximum for temporary disability; 20% maximum for PT or death.
Oregon	Department of Consumer and Business; Workers' Compensation Division (WCD)	In writing within 90 days	Injury—within 90 days, but up to 1 year after accident if employer had knowledge of injury or worker dies within 180 days of accident. Occupational disease—within 1 year of worker's discovery, diagnosis by physician, onset of disability, or beneficiaries' discovery death was due to occupational disease.	Accepted claims—closed by insurer or claims disposition agreement. Disputes—settled by agreement, ALJ, board, Court of Appeals, or Supreme Court (matters of law only).	Payment by insurer within 30 days or after order except where appeal stays payment. Appeal must be made to department within 60 days of insurer notice of closure. Insurer appeal restricted to within 7 days of Notice of Closure and is limited to findings used to rate impairment	Reconsideration of disability awards by department appellate unit within 18 days of request (60 additional days if IME or additional information required). Order of reconsideration may be appealed within 30 days to Workers' Compensation Board (WCB). Hearings Division (denied claims may be appealed directly to the WCB); further appeal to board within 30 days	By Workers' Compensation Division, or board on application or by stipulation of parties	Subject to approval of ALJ, board, or court. Board established fee schedule, but not more than WCD maximum. Attorney fees are 10% of any increased disability awarded by an Order of reconsideration at WCD. WCB awards 25% of increased compensation, subject to maximums of \$4,600 for PP, \$12,500 for PT, and \$1,500 for TT.
Pennsylvania	Bureau of Workers' Compensation; Workers' Compensation Advisory Council	If notice not given within 21 days, no compensation due until given. If not given within 120 days, compensation disallowed	Within 3 years after injury, death, or last payment. ^a	By agreement after 7 days from injury, subject to department approval. Disputed cases heard by Workers' Compensation Judge; appeals to board.	Judgment in court of common pleas on filing certified copy of award or agreement	By Appeal Board from Workers' Compensation Judge's decision within 20 days	By department on application within statutory limits	Subject to approval of Workers' Compensation Judge, Appeal Board or court.
Rhode Island	Department of Labor and Training, Division of Workers' Compensation	In writing within 30 days; excusable	Within 2 years after injury, manifestation, knowledge of injury or death.	By voluntary agreement of both parties; or by judge by decree.	Award enforceable by court or director	By court	By court during compensation period, within 10 years after compensation period has ceased, on own motion, or on petition of either party	Subject to approval of court. Maximum 20% of lump sum or structured settlements.

Chart XI—Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims Are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
South Carolina	Workers' Compensation Claims Department	In writing as soon as practicable or within 90 days; excusable	Within 2 years after accident or 2 years after death.	By agreement after 7 days from date of injury or anytime in case of death, subject to approval of commission or member, after hearing, upon application.	Judgment in Common Pleas Court on certified copy of agreement or award ²³	By 3- or 6-member panel; apply within 14 days after award	To commission on application or own motion within 12 months from last payment	Subject to approval of commission
South Dakota	Division of Labor and Management	In writing as soon as practicable within 3 working days; excusable	Within 2 years after notice of intention to deny coverage. Within 3 years of last benefit payment.	By agreement, if not disapproved by director, within 20 days. Disputed cases settled by commissioner after hearing, upon application.	Judgment on certified copy of agreement or decision	By labor secretary within 10 days	By labor secretary by application	Subject to approval of director of Division of Labor and Management.
Tennessee	Courts and Workers' Compensation Division (WCD) ²⁴	In writing within 30 days if employer doesn't have actual notice	Employer files injury report with WCD within 15 days; employee must request benefit review conference within 1 year.	Mandatory mediation (benefit review conference) prior to filing suit; settlement approved by WCD or court.	Judgment on approved agreement	Administrator may set aside within 30 days	Award payable for more than 6 months may be modified by agreement approved by court	Maximum 20% of award.
Texas	Department of Insurance Division of Workers' Compensation	Within 30 days; excusable	Within 1 year after injury or death; excusable. ²⁵	Disputes or claims resolved through administrative dispute resolution process.	Failure or refusal to comply with division order or decision within 20 days may result in fine up to \$25,000 per day	By 3-member appeals panel within 60 days after contested case hearing	In actions before court or division, fees are limited to 25% of recovery unless special circumstances prevail. If insurance carrier disputes commission determination of compensability or that worker is entitled to income or death benefits and worker prevails, carrier is liable for reasonable and necessary attorney fees.	
Utah	Labor Commission	Within 180 days	Within 1 year after death and within 6 years after date of injury. Medical expenses—within 3 years of last treatment. ²⁶	By Labor Commission.	Lien from time of docketing in District Court. Payments must begin within 30 days of determination of award	By commission within 30 days	By agency upon application	Subject to approval by commission or court. Maximum of 20% or 312 weeks of award, \$10,850.
Vermont	Commissioner of Labor and Industry	In writing as soon as practicable; excusable	Proceedings to initiate a claim may not be commenced after 3 years from the date of injury.	By agreement in conformity to act, subject to approval of commissioner (compromise agreements may be approved). Disputed cases settled by commissioner.	Judgment in County Court on certified copy of agreement or award	By commissioner on application within 6 months	By commissioner on own motion or application at any time	Commissioner may award to successful claimant and on appeal 12% interest on contested part of award.
Virginia	Workers' Compensation Commission	In writing within 30 days	Within 2 years after accident or death. Failure to file employer's accident report may toll time for claim filing. Payment of benefits does not toll.	By agreement after 10 days from injury or at any time after death, subject to approval of commissioner. Disputed cases settled by commission or member after hearing upon application.	Judgment in Circuit Court on certified copy of agreement or award	By full commission within 20 days after opinion	By commission on own motion or application within 2 years of last payment or 3 years for scheduled injuries ²⁷	Fixed by commission.

Chart XI—Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims Are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Washington	Department of Labor and Industries	Immediately	Within 1 year from date of injury or date rights of beneficiaries accrued (2 years for occupational diseases).	By Department of Labor and Industries. ^{3a}	Fund or self-insurer pays award	By Board of Industrial Insurance Appeals within 60 days of affected party(ies) receipt of decision. Agency may reassume jurisdiction from board for reconsideration and further appealable decision.	For full benefits, limited benefits on application after 7 years (10 years for vision)	Maximum fees established by statute—30% of increased award.
West Virginia	Insurance Commissioner	Immediately	Injury—within 6 months of injury. Disease—within 3 years of last exposure. Death—within 1 year.	By private insurance carriers and claimants and can only be overturned if deemed unconscionable by insurance commissioner.	Fund begins payment 30 days following granting of award	By Office of Judges. Decisions subject to appeal to the West Virginia Workers' Compensation Board of Review	By a private carrier within 5 years of written application or within 2 years of date of death	
Wisconsin	Workers' Compensation Division	Within 30 days; excusable	Within 2 years after injury or death. Excusable if employer knew of disability. All rights barred after 12 years of injury, death, or last payment, whichever is later.	By payment of amount due. Compromise subject to review by department within 1 year. Disputed cases resolved by department.	Judgment in Circuit Court on certified copy of award	By commission within 21 days of decision	By commission on its own motion within 21 days; compromises may be modified within 1 year. If occupational disease, subject to review within 12 years	Limited to 20% of amount in dispute. If admitted liability, not to exceed 10% or \$100.
Wyoming	Division of Workers' Compensation	Within 72 hours (also within 10 days to division); excusable	Within 1 year after injury or discovery of injury not readily apparent.	By Division of Workers' Compensation, hearing examiners, or Medical Commission. Appeals to District Court.	Fund pays award		Within 4 years or during time payments are made on application	Reasonable fees as allowed by court. Limited to \$90 per documented hour.
American Samoa	Commission		Within 10 days from date of injury or death.			At any time after claim is filed, commissioner may transfer such case to any member of commission for the purpose of making an investigation, taking testimony, conducting physical examination, or taking other necessary action	By commission	Subject to approval of commissioner
Guam	Workers' Compensation Commission	In writing within 30 days; excusable	Within 1 year after injury, death, last payment, or awareness of relationship between injury or death and employment.	Compensation without award within 14 days after knowledge of injury or death. Controverted claims are settled by commission.	Lien against assets of carrier or employer. Enforcement of final order by Supreme Court		By commissioner within 1 year after last payment or rejection of claim on own motion or application	Subject to approval of commission or court on review. Legal fees shall be a lien on compensation.

Chart XI—Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims Are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Puerto Rico	Board of Directors of the Corporation of State Insurance Fund	None required	As soon as possible within 5 days from accident.	No settlement procedure.	Fund pays award	Decision of Fund's manager is final in the agency. Only review by appeal to Industrial Commission within 30 days of decision.	Only through review by Industrial Commission	No attorneys required in hearings, but if requested by worker, fees are fixed by Industrial Commission as percentage of award. Fees are fully paid by fund.
Virgin Islands	Workers Compensation Commission	In writing within 48 hours; extending up to 30 days. Occupational disease—within 30 days from first manifestation; extendable to 90 days for cause	Within 60 days after injury.	By Workers' Compensation Administration using direct payment systems. Disputed cases decided by Dispute Resolution by hearing officers (by mediation) or by ALJ (formal hearing).	Fund pays award with first prior lien on employer's assets	By reconsideration of Commissioner of Labor ²⁸	By agency	Subject to approval of commissioner.
FECA	Division of Federal Employees' Compensation OWCP, U.S. Dept. of Labor	30 days; extended for cause	Within 3 years after injury or death; extended for cause.	By division.	Fund pays award	By secretary of labor on own motion or application anytime within 1 year	By secretary of labor or Employees' Compensation Appeals Board on review	Subject to approval by Division or Appeals Board.
Longshore Act	Division of Longshore and Harbor Workers' Compensation O.W.C.P., U.S. Dept. of Labor	Within 30 days	Within 1 year after injury or death or date of last payment. Within 2 years after becoming aware of occupational disease.	By district director (by agreement) or ALJ (formal hearing).	Award is effective on filing	By district director upon own motion or application and by Benefits Review Board of Appeal	By district director or court on review	Approval by district director, court, or Review Board where service given.
Alberta	Workers' Compensation Board	As soon as practicable	Within 2 years after injury or death; excusable.	By case manager.	Fund pays award	By review committee on request, then by Appeals Commission within 1 year; excusable	By Review Committee and Appeals Commission at any time on application or own motion	Fees for lawyers or advocates may not be paid by board. (RSCM 100.72) Government-appointed advisors may provide free assistance to injured workers and employers to resolve WCB claims issues.
British Columbia	Workers' Compensation Board	As soon as practicable	Within 1 year after injury, death, or disability from occupational disease. Within 3 years if special circumstances precluded application within 1 year (s. 55 & RSCM 93.21). In circumstances where an application is accepted after 3 years, compensation is payable only from the date of filing.	By adjudicator.	Fund pays award	Board may reconsider if more than 75 days have not elapsed since decision was made and if matter has not been appealed to Review Division or Workers' Compensation Appeal Tribunal (s. 96(5))		
Manitoba	Workers' Compensation Board	In writing as soon as practicable but no later than 30 days; excusable	Within 12 months after injury or death; excusable.	By claims adjudicator, case manager.	Fund pays award	At any time	By board	Government appointed advisor handles claims. ²⁹

Chart XI—Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims Are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
New Brunswick	Workplace Health, Safety & Compensation Commission	As soon as practicable after accident and before worker has voluntarily left employment in which injured	Within 1 year after injury or 6 months after death; excusable.	By claims adjudicator.	Fund pays award	At any time	At any time by commission based on evidence or by decision of Appeals Tribunal	None at Appeals Tribunal; determined by the court at Court of Appeal.
Newfoundland and Labrador	Workplace Health, Safety & Compensation Commission	As soon as practicable	Within 3 months after injury or within 6 months of death.	By case manager.	Fund pays award	At any time	Appeal of commission's final decision goes to the Workplace Health Safety & Compensation Review Division	
Northwest Territories and Nunavut	Workers' Compensation Board	As soon as practicable	Within 1 year after injury or death; excusable as soon as practicable; maximum 3 years after death.	By adjudicator or case manager.	Fund pays award	At any time	By board	Free assistance of worker advisor. Do not pay attorney fees.
Nova Scotia	Workers' Compensation Board	As soon as practicable	Within 12 months. Failure to give notice may be waived, but only within 5 years from date of accident.	By case worker.	Fund pays award for regularly classified employers	Appeals to internal hearing officers; external appeals to Appeals Tribunal	By board	Free assistance of government appointed workers' advisors available to clients. Fees paid by Accident Fund.
Ontario	Workplace Safety & Insurance Board	As soon as practicable	Employer files notice within 3 days; worker files claim within 6 months.	By board.	Fund pays benefit. Schedule 1—Employers; Schedule 2—Individually liable	At any time	By board	
Prince Edward Island	Workers' Compensation Board	As soon as practicable	Within 6 months after injury or death.	By entitlement officers or case coordinators.	Fund pays award	At any time	By board ⁴¹	Free assistance available to worker and employer advisor programs. Board does not pay attorney fees.
Québec	Commission de la santé et de la sécurité du travail du Québec	As soon as practicable after injury or knowledge of occupational disease	Within 6 months after injury, death, or from first knowledge of the manifestation of an occupational disease.	By commission.	Fund pays award; individual liability for employers held personally responsible for the payment of benefits	A medical finding or medical decision within 30 days to the Medical Review Panel. Reconsideration by board within 90 days of decision. ⁴²	By commission	

Chart XI—Administration: Notice to Employer and Claims, Cont.

Jurisdiction	Administration	Notice to Employer	Claim Filing	How Claims Are Settled	Award Effect	Review by Agency	Modifications	Attorney's Fees
Saskatchewan	Workers' Compensation Board	As soon as practicable; excusable	Employer—within 5 days of awareness of injury. Worker—within 6 months of injury; excusable.	By claims entitlement specialist.	Fund pays award	At any time ⁴⁸	By board	Office of Workers' Advocate and provincial ombudsman offer assistance to workers with claims.
Yukon Territory	Workers' Compensation Health and Safety Board	As soon as practicable	Within 1 year of injury or death.	By claims adjudicator.	Fund pays award	At any time	By board	
Canadian Merchant Seamen's Act	Merchant Seamen Compensation Board	As soon as practicable	Within 6 months after injury or death; excusable.	By board.	Judgment in county, district of Québec Superior Court on certified copy of award	At any time	By board	Board may award expenses of proceeding to successful party.

Chart XI—Administration: Notice to Employer and Claims, Cont.

Notes

¹ Alaska—Burden of proof shifted to claimant if late notice excused.

² Arizona—Limit on filing runs from when injury is manifest or when claimant knew or should have known relation to employment; tolled during incapacity.

³ Arkansas—If no hearing is requested within 6 months of claim filing, claim may be dismissed.

⁴ Arkansas—A joint petition settlement is authorized where all parties petition an immediate final settlement by commission. An order of commission allowing or denying such petition is not appealable.

⁵ California—Typically 9 to 12% of contested benefits, which are usually permanent disability awards. Attorney's fee in rehabilitation cases is lesser of approximately 12% of rehabilitation benefit or reasonable hourly fee for services to attain these benefits.

⁶ Colorado—Statute excepts certain occupational diseases.

⁷ Colorado—If claimant has previously agreed to settlement, case will not be reopened except on grounds of fraud or mutual mistake of material fact.

⁸ Connecticut—Lack of notice excused if voluntary agreement or medical treatment within 1 year after accident.

⁹ Connecticut—Commissioners comprise review board.

¹⁰ Georgia—Automatic dismissal of claims for which no hearing has been held for 5 years.

¹¹ Georgia—12% interest on all accrued amounts of awards. Interest runs on Superior Court judgment in event of appeal.

¹² Hawaii—Director may extend due date for good cause if parties agree.

¹³ Idaho—When compensation is discontinued, claimant has 5 years from date of injury or showing of occupational disease to file request for a hearing of further review. If compensation is discontinued more than 4 years after injury, claimant has 1 year from date of last payment to file request for a hearing of further review.

¹⁴ Illinois—Under Occupational Disease Act, as soon as practicable.

¹⁵ Kansas—If employer fails to report accident within 28 days, claim must be served on employer within 1 year after accident and application must be filed with division within 3 years after employer reports accident. *Childress v. Childress Painting Co.*, 1979.

¹⁶ Kentucky—There is a 4-year statute of limitation for all parties except for reopenings of medical issues, fraud, worker returning to work at equal or greater wages thereby resulting in a 50% reduction, or worker holding a total award returning to work. A motion to reopen cannot be made within 1 year of a previous motion to reopen. For coal workers pneumoconiosis, an additional 2 years of employment with continuous injurious exposure is required prior to motion reopen.

¹⁷ Louisiana—For injuries occurring after 7/1/83. Claims filed before 1/1/90 for injuries occurring after 7/1/83 approved by director.

¹⁸ Maine—Claimant gets additional year in cases of death of employee. 2-year period does not run until employer files first report of injury in cases which report is due. No petition after 6 years of latest payment.

¹⁹ Maryland—Claim filed by worker directly with commission. Employer or insurer who receives completed claim form must send it to commission immediately and may not advise claimant that claim is denied.

²⁰ Massachusetts—For injuries after 12/24/91, employee will contribute portion of award to attorney's fees.

²¹ Michigan—No claim valid unless made within 2 years after injury, manifestation of disability, or last employment, whichever is later. Deadline suspended if worker receives any disability benefits.

²² Minnesota—Now includes small claims court. Disputes of less than \$5,000, by agreement of parties; no appeal. However, this process is not used by litigants.

²³ Minnesota—Employer who threatens to discharge claimant for filing claim is subject to civil suit for treble damages, costs, and attorney's fees.

²⁴ Nevada—Late filing may be excused in some circumstances.

²⁵ Nevada—Insurers are required to submit a written report to division within 30 days after acceptance or denial of claims regarding diseases of heart or lungs, infectious diseases or cancer.

²⁶ Nevada—Insurer's delay or refusal to pay claim within 30 days after notification subjects it to an order for an additional amount equal to 3 times amount specified as benefit to injured worker.

²⁷ New Mexico—If employer has actual knowledge of the accident, no notice is necessary.

²⁸ New Mexico—The statutory time for filing a claim is also dependent on the employer's filing First Report of Injury or Illness with administration.

²⁹ New Mexico—A mediation hearing must be completed and a resolution issued within 60 days of filing of complaint.

³⁰ North Dakota—Administrative hearing \$4,600; District Court \$6,930; Supreme Court \$9,356.

³¹ Ohio—Claimant's statute of limitations extended for every day employer fails to make required notice to commission up to 4 years from date of injury, disease, or death.

³² Pennsylvania—Late discovery may extend the time for filing a claim involving an occupational disease.

³³ South Carolina—Payment must begin within 14 days after employer has knowledge of injury or death.

³⁴ Tennessee—Tennessee Claims Commissioner administers claims by state employers.

³⁵ Texas—Employer who discriminates against claimant is liable for damages.

³⁶ Utah—Claim for TT or PT hearing must be filed within 6 years of injury.

³⁷ Virginia—In cases where no compensation has been paid, commission may make award within 3 years from the date of accident.

³⁸ Washington—Provision is made for recoupment of benefits paid through mistake or willful misrepresentation.

³⁹ Virgin Islands—Commissioners' decision may be appealed in court of competent jurisdictions.

⁴⁰ Manitoba—Fair Practices Office addresses concerns brought forth by employers, injured workers, and their dependents; office is not involved in appeal process.

⁴¹ Prince Edward Island—Modification of award due to aggravation or recurrence of injury may be based on earnings and benefits in effect at that time in accordance with legislation.

⁴² Québec—By administrative review if appealed within 30 days; from review to appeal division if appealed within 45 days.

⁴³ Saskatchewan—Every worker and his or her dependents has the right to review and to appeal board decisions about their claims.

Chart XII—Employer's Report of Accidents

Jurisdiction	Keeping of Accident Records by Employer ¹	Reporting Requirements ¹		Penalties for Failure to Report		
		Injuries	Time Limit	Maximum Fine (\$)	Minimum Fine (\$)	Imprisonment
Alabama	Required	Death or disability exceeding 3 days	Within 15 days			
Alaska	Required	Death, injury, disease, or infection	Within 10 days			
Arizona	Required	All injuries	Within 10 days			
Arkansas	Required	Indemnity, injuries, or death ² Controverted, medical only	10 days from notice of injury	10,000		Petty offense Class D felony
California	Required	Death cases or serious injuries Disability of 1 day or more, other than first aid Occupational diseases or pesticide poisoning	Immediately ⁴ As prescribed Within 5 days	200	50 ⁴	
Colorado ⁵	Required	Death cases Injuries causing lost time greater than 3 days or 3 shifts Any accident in which 3 or more employees are injured Occupational disease cases listed by rule Cases of permanent physical impairment	Immediately Within 10 days Immediately 10 days 10 days			
Connecticut	Required	Disability of 1 day or more	7 days, or as directed	250		
Delaware	Required	Death cases or injuries requiring hospitalization Other injuries	Within 48 hours ⁶ Within 10 days ⁶	250	100	
District of Columbia	Required	All injuries	Within 10 days	1,000		
Florida	Required	Death cases All injuries	Within 24 hours ⁷ Within 7 days to carrier ⁷	1,000		
Georgia	Required	All injuries requiring medical or surgical treatment or causing more than 7 days absence	Within 21 days ⁸	1,000	100 ² per offense per offense	
Hawaii	Required	Death cases All injuries	Within 48 hours Within 7 working days	5,000		
Idaho	Required	All injuries requiring treatment by physician or using 1 day's absence	As soon as practicable, but not later than 10 days after the accident ⁹	300		Up to 6 months
Illinois	Required	Death case or serious injuries Disability of more than 3 days Permanent disability	Within 2 working days Between the 15th and 25th of the month Soon as determinable	500		Petty offense
Indiana	Required	Disability of more than 1 day	Within 7 working days ¹⁰	500		
Iowa	Required	Disability of more than 3 days, PP disability, or death	Within 4 days	1,000	1,000	
Kansas	Not required	Death cases or disability of more than remainder of day or shift	Within 28 days of knowledge ¹¹	250 ¹⁸ per offense		
Kentucky	Required	Disability of more than 1 day	Within 7 days ⁹	1,000	100	
Louisiana	Required	Lost time over 1 week or death	Within 10 days of employer's actual knowledge of injury ¹²	500		
Maine	Required	Only injuries causing 1 day or more of lost time	Within 7 days	100 per offense ¹³		
Maryland	Not required	Disability of more than 3 days	Within 10 days	50 and de facto loss of defense of statue of limitations		
Massachusetts	Required	Disability of 5 or more calendar days	Within 7 days, except Sundays and holidays	100 ¹⁴		
Michigan	Required	Death, disabilities of 7 days or more, and specific losses	Immediately			
Minnesota	Required	Death or serious injury Disability of 3 days or more	Within 48 hours Within 14 days	500		
Mississippi	Required	Death or disability of more than 5 days ¹⁵	Within 10 days	100 ¹⁵	50	
Missouri	Not required	Death or injury	Within 30 days ¹⁶	500		1 week to 1 year

Chart XII—Employer's Report of Accidents, Cont.

Jurisdiction	Keeping of Accident Records by Employer ¹	Reporting Requirements ¹		Penalties for Failure to Report		
		Injuries	Time Limit	Maximum Fine (\$)	Minimum Fine (\$)	Imprisonment
Montana	Required	All injuries	Within 6 days	500	200	
Nebraska	Required	All injuries	Within 10 days ¹⁷	1,000		Up to 6 months
Nevada	Required ¹⁸	All injuries requiring medical treatment	Within 6 working days after report from physician	1,000	100	
New Hampshire	Required	All injuries involving lost time or medical expenses	Within 5 calendar days	2,500		
New Jersey	Required	All injuries, other than those requiring first-aid	Within 3 weeks of learning of accident or knowledge of occupational disease	50	10	
New Mexico	Required ¹⁹	Any injury other than those requiring first-aid or illness resulting in more than 7 days of lost time	Within 10 days of employer notification	1,000		
New York	Required ²⁰	Disability of 1 day beyond working day or shift on which accident occurred or requiring medical care beyond 2 first-aid treatments	Within 10 days	2,500		Up to 1 year
North Carolina	Required	Disability of more than 1 day or charges for medical compensation exceeding the amount set by the commission	Within 5 days ^a	25	5	
North Dakota	Not required	All injuries	Within 7 days			
Ohio	Required	Injuries causing 7 days' total disability or more	Within 1 week	250		Up to 30 days
Oklahoma	Required	Fatalities; all injuries causing lost time or requiring treatment away from work site	Within 10 days or a reasonable time	1,000		
Oregon	Required	All claims or injuries that may result in compensable injury claims	Within 5 days after employer knowledge ²¹	²²		
Pennsylvania	Required	Death cases Disability of 1 day or more	Within 48 hours After 7 days but not later than 10 days	²³		
Rhode Island	No provision	Death cases Disability of 3 days or more and all injuries requiring medical treatment Any claim resulting in medical expense	Within 48 hours Within 10 days	250 per offense		
South Carolina	Required	All injuries requiring medical attention cost of more than \$500, more than 1 day disability, or permanency	Within 10 days ^a	100	10	
South Dakota	Required	Disability of 7 days or more, other than first-aid or injuries requiring medical treatment	Within 7 days	300		Up to 30 days
Tennessee	Not required	All injuries requiring medical attention	Within 14 days	25 per each 15 days	25	
Texas	Required	Disability of more than 1 day or occupational disease	Within 8 days ²⁴	25,000 per day per offense		
Utah	Required	All injuries requiring medical attention	Within 7 days	500		
Vermont	Required	Disability of 1 day or more or requiring medical care	Within 72 hours; Sundays and legal holidays excluded	5,000		
Virginia	Required	All injuries	Within 10 days ^a	5,000	500	
Washington	Required	Deaths and accidents resulting in hospitalization or inability to work	Immediately	250		
West Virginia	Not required	All injuries	Within 5 days			
Wisconsin	Required	Disability beyond 3-day waiting period	Within 14 days	100 ²⁵	10	
Wyoming	Required	All injuries	Within 10 days	750		Up to 6 months
American Samoa	Required	Death, injury, or disease	Within 10 days of employer notification	500 per offense		
Guam	Required	Injury, illness, or death	Within 10 days ²⁵	500 per offense		
Puerto Rico	Required	All injuries	Within 5 days	100		

Chart XII—Employer's Report of Accidents, Cont.

Jurisdiction	Keeping of Accident Records by Employer'	Reporting Requirements ¹		Penalties for Failure to Report		
		Injuries	Time Limit	Maximum Fine (\$)	Minimum Fine (\$)	Imprisonment
Virgin Islands	Required	Injury or disease	Within 8 days	500		Up to 6 months
FECA	No provision	All injuries resulting in medical expenses, disability, or death	Immediately			
Longshore Act	Required	All injuries resulting in loss of 1 or more shifts or death	10 days	11,000		
Alberta	Required	All injuries that disable or require medical aid	72 hours ^{27, 28}	25,000 plus 10,000 per day for continuing offense		Up to 6 months
British Columbia	Required	Death cases All injuries not specifically excepted	Immediately 3 days	²⁹		
Manitoba	No provision	All accidents that disable or require medical aid	5 business days	225 ³⁰		
New Brunswick	No provision	All injuries that disable or require medical aid Incidents involving accidental explosions or exposure to a biological chemical or physical agent at place of employment, whether or not person is injured Accidents involving fatalities, loss of limb, occupational diseases, or accidents that require hospitalization	Immediately Within 24 hours (OH&S Act) 3 days (WC Act)	100 (WC Act) 50,000 (OH&S Act)		Up to 6 months in prison (OH&S Act)
Newfoundland and Labrador	No provision	All accidents that disable or require medical aid	3 days	1,000 ³¹		Up to 3 months
Northwest Territories and Nunavut	No provision	All accidents and deaths	3 days ²⁸	1,000	250	Up to 6 months
Nova Scotia	No provision	All accidents resulting in time loss or visit to doctor	5 business days after becoming aware of accident	First offense—500 Second offense—2000 third or subsequent offenses—10,000	100 plus 25 per day for continuing offense	
Ontario	Required	All accidents that require health care or result in full or partial wage loss	3 days	250 ³²		
Prince Edward Island	No provision	All accidents that disable or require medical aid	3 days	1,000	100 per day	
Québec	Required, including no lost time injuries	All accidents that caused worker to be unable to carry on employment beyond the day on which the employment injury appeared and those that require medical aid	2 days after day of return to work within first 14 days; if more than 14 days, 2 days after the 14th day	2,000	500	
Saskatchewan	No provision	All injuries	5 days	1,000 ³³		
Yukon Territory	No provision	Any, on the possibility of any work-related disability	3 days	500		
Canadian Merchant Seamen's Act	No provision	All accidents that disable or require medical aid	60 days	500		Up to 12 months

Chart XII—Employer's Report of Accidents, Cont.

Notes

¹ Federal Occupational Safety and Health Act (OH&S Act) of 1970 established uniform requirements and forms to meet its criteria for all businesses affecting interstate commerce to be used for statistical purposes and compliance with the Act. 12 U.S.C. §651.

² Alaska—20% of unpaid compensation due, statute of limitations for claim based on injury tolled until report filed.

³ Arkansas—Medical-only claims reported monthly.

⁴ California—Report to Division of Occupational Safety and Health. Within 5 days of employer's notice or knowledge of employee death, employer must report death to the Department of Industrial Relations. Effective 1/1/03, minimum civil penalty is \$5,000 for failure to report a fatality or serious injury or illness to the division (Section 342 of Title 8 of California Code of Regulations).

⁵ Colorado—Failure to report tolls time for claims. Disability of 3 days or less must be reported to insurer.

⁶ Delaware—Supplemental report due on termination of disability.

⁷ Florida—Death cases—by phone to division within 24 hours. All injuries—carrier to send first report form to division if injury involves lost time.

⁸ Georgia—Supplemental report on first payment and suspension of payment, and within 30 days after final payment.

⁹ Supplemental report required after 60 days (for Rhode Island and South Carolina every 6 months), or upon termination of disability.

¹⁰ Indiana—Supplemental report within 10 days after termination of compensation period.

¹¹ Kansas—Failure to report tolls time limit for claims. *Childress v. Childress Painting Co.*, 1979.

¹² Louisiana—Employers with more than 10 employees must also report within 90 days after death any nonfatal occupational illness or injury causing loss of consciousness, restriction of

work or motion, job transfer, or medical treatment other than first aid. Violation of confidentiality of any record subject to \$500 fine.

¹³ Maine—Up to \$1,000 for individual and \$10,000 for corporation for willful violation, fraud, or intentional misrepresentation.

¹⁴ Massachusetts—After third violation.

¹⁵ Mississippi—Permanent disability and serious head or facial disfigurement also covered.

¹⁶ Missouri—Supplemental report within 1 month after original notice to division.

¹⁷ Nebraska—Report may be made by insurance carrier or employer. Failure to report tolls time limit.

¹⁸ Nevada—For minor injuries not requiring medical treatment, employee files a Notice of Injury which must be retained by employer for 3 years. A claim for compensation is filed with insurer for lost time and claims requiring medical care.

¹⁹ New Mexico—For EDI filings all injuries having more than \$300 of expenses must be reported to the administration. A subsequent report from the claims administrator is required upon payment of any claim.

²⁰ New York—Carrier or employer, if self-insured, is required to provide a written statement of rights under the law to injured employee or dependent if worker deceased.

²¹ Oregon—Insurers to send initial disabling claims acceptance, aggravation claims acceptance, and claim denial to Workers' Compensation Division within 14 days of action.

²² Oregon—Quarterly penalty for insurers when late reporting exceeds 20% of claims reported. Employers liable for civil penalty if employer induced worker not to report accidents.

²³ Pennsylvania—Late filing of accident report may be penalized by sum up to 10% of compensation awarded plus interest accrued and

payable. In cases of excessive delay, penalty can be increased to 50%.

²⁴ Texas—Supplemental report required upon termination of disability or change in post-injury earnings.

²⁵ Wisconsin—10% of first payment goes to injured employee.

²⁶ Guam—Failure to report tolls limits for claims.

²⁷ Attending physician also required to make periodic reports to board.

²⁸ Supplemental report within 24 hours after returning to work or knowledge that worker is able to return.

²⁹ British Columbia—Employer may be liable for additional assessment until 3 days after receipt of the report by board.

³⁰ Manitoba—Effective 4/1/06. Prior to this date, fine up to \$150. Penalty may be relieved in whole or in part. Failure to comply is also a provincial offence. If convicted, employer is liable for fine up to \$7,500. If employer pays the administrative penalty, he or she may not be charged with an offence unless employer continues to fail to comply with reporting obligations.

³¹ Newfoundland and Labrador—Cost of compensation is charged against employer's experience plus \$50 assessment. On summary conviction, fine is \$25,000, imprisonment up to 6 months, or both. Claim may be charged against employer's experience for failure to notify.

³² Ontario—If employer is an individual, may also be liable for additional fine up to \$25,000 on conviction, imprisonment up to 6 months, or both. If employer is not an individual, may also be liable for additional fine up to \$100,000 on conviction.

³³ Saskatchewan—Employers may be required to pay any or all of the awarded compensation or medical aid to the board.

Chart XIII—Second Injury Funds

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Alabama	Second Injury Fund eliminated for injuries after 5/19/92 ¹				
Alaska	Second injury that added to preexisting permanent physical impairment results in substantially greater disability than from second injury alone.	Disability caused by second injury up to 104 weeks	Compensation in excess of 104 weeks	Up to 6% of compensation payable to fund; percentage varies from 0% to 6% depending on fund balance. \$10,000 in no-dependency death cases; civil penalties.	Physical impairment as listed or would support an award of 200 weeks or more.
Arizona	Second injury that added to a preexisting work-related disability or a preexisting physical impairment not industrially related (25 types of handicaps as listed by statute) results in disability of work.	Disability caused by second injury	Employer and special fund are equally liable for remaining difference between compensation payable for second injury and compensation for combined disability	2% of all premiums and costs of self-insurance. Commission may allocate up to 0.5% of yearly premiums to special fund to keep fund actuarially sound.	Employer must have knowledge of nonindustrial physical impairment. Payments are also made from the fund for vocational rehabilitation, claims against uninsured employers, insolvent carriers, and supportive medical care.
Arkansas	Second injury that added to previous PP disability or impairment results in additional disability or impairment greater than from second injury alone.	Disability caused by second injury	Difference between compensation payable for second injury and permanent disability	\$500 in no-dependency death case to be paid to Death and Permanent Total Disability Trust Fund. A portion of premium tax allocated to the Second Injury Fund and Death and Permanent Total Disability Trust Fund.	
California	Second PP injury that added to preexisting PP disability results in 70% or more permanent disability. Second injury must account for 35%. ²	Disability caused by second injury	Difference between compensation payable for second injury and permanent disability	\$125,000 in each no-dependency death case or unpaid balance. Funds are also received from the employer-paid Subsequent Injuries Benefits Trust Fund Assessment.	Payments are made by State Compensation Insurance Fund.
Colorado ³	Second injury that added to preexisting PP disability results in PT disability. Includes specified occupational diseases with multiple exposure—asbestosis, silicosis, anthracosis and disease from radiation exposure. Fund repealed for injuries occurring on or after 7/1/93.	Disability caused by most recent injury. In occupational disease cases, fund pays all medical and all compensation above \$10,000	Difference between compensation payable for most recent injury and PT disability	2.788% (in combination with Major Medical Insurance Fund). \$15,000 in no-dependency fatal cases or the remainder of \$15,000 in partial dependency claims. If deceased is minor with no dependents, \$15,000 paid to parents.	If employee obtains employment while receiving compensation from second injury fund, fund may reduce its contribution by one-half of employee's AWWW loss, subject to maximum and minimum.
Connecticut	Second injury or disease that added to preexisting injury, disease, or congenital causes results in permanent disability greater than from second injury alone. Applies only to injuries occurring on or before 6/30/95.	Benefits for first 104 weeks, less compensation payable for prior disability	Benefits beyond first 104 weeks less compensation payable for prior disability	Tax equal to 5% of compensation paid by carriers and self-insurers during preceding calendar year plus fines.	Tax imposed each time fund balance is reduced to \$1,000,000.
Delaware	Second injury or disease which added to existing permanent injury from any cause results in PT disability, for insureds only.	Disability caused by second injury	Difference between compensation payable for second injury and permanent disability	Tax of 2% of premiums received by insurance carriers.	Self-insured employers do not participate in fund.
District of Columbia	For injuries occurring prior to 4/16/99 second injury or disease which added to preexisting injury, disease, or congenital causes results in permanent disability greater than from second injury alone. Second injury fund repealed for injuries occurring on or after 4/16/99.	Benefits for first 104 weeks and medical benefits beyond 104 weeks for injuries occurring on or after 3/16/91	Benefits beyond 104 weeks for injuries occurring prior to 3/16/91; lost wages only for injuries on or after 3/16/91	\$5,000 in no-dependency death cases, fines, and penalties; pro rata assessments upon self-insurers based on paid losses and premium surcharge on insured employers.	Special fund pays default cases.
Florida	Second Injury Fund eliminated; no claims after 12/31/97				

Chart XIII—Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Georgia ⁴	Second injury or disease that merges with prior permanent physical impairment and results in greater disability than from second injury alone. Applies only to injuries occurring before 7/1/06.	Disability caused by second injury for first 104 weeks	Employer reimbursed for 50% of medical and rehabilitation expenses in excess of \$5,000 up to \$10,000 and 100% of medical and rehabilitation expenses in excess of \$10,000, plus income benefits beyond 104 weeks	Assessments on carriers and self-insurers proportionate to 175% of disbursements from fund to annual compensation benefits paid, less net assets in fund.	Employer must have prior knowledge of impairment. Assessments may be reduced or suspended when no funds are needed.
Hawaii	Second injury that added to preexisting disabilities results in greater permanent disability, PT disability, or death.	Disability benefits for first 104 weeks	Compensation beyond first 104 weeks	25% of 312 x effective maximum weekly benefit rate in no-dependency death cases; unpaid balance of compensation due in PT and PP disability cases if no dependents; special assessment on insurers and self-insurers.	
Idaho	Second injury that combined with prior permanent physical impairment results in PT disability.	Disability caused by second injury	Difference between compensation payable for second injury and permanent disability	Proportionate assessment based on semiannual reporting of indemnity payments paid but not less than \$200.	Assessment calculated as 2 times previous year's payments by fund less existing cash balance.
Illinois	Second injury involving loss or loss of use of major members or eye that added to preexisting loss of member results in PT disability.	Disability caused by second injury	Difference between compensation payable for second injury and PT disability	Semiyearly employer payment of .125% of compensation payments.	When fund reaches \$500,000 amount payable into fund reduced by one-half; payments cease when fund reaches \$600,000. When fund reduced to \$400,000, payment of one-half amount required. When fund reaches \$300,000, payment of full amount resumed.
Indiana	Second injury involving loss or loss of use of hand, arm, foot, leg, or eye, or damage to prosthetic device that added to preexisting loss or loss of use of member results in PT disability.	Disability caused by second injury	Difference between compensation payable for second injury and PT disability		Assessment up to 2.5% anytime fund drops below \$1 million on or before 10/1.
Iowa	Second injury involving loss or loss of use of member or eye that added to preexisting loss of use of member results in permanent disability.	Disability caused by second injury	Difference between compensation payable for second injury and permanent disability, less value of previous loss of member or organ	\$12,000 in dependency death cases, \$45,000 in no-dependency death cases, and payments due but not paid to nonresident alien dependents.	Surcharge on weekly benefits paid by insurers and self-insurers can be imposed if necessary through 7/1/08.
Kansas	Second Injury Fund eliminated for injuries after 7/1/94				
Kentucky	Second Injury Fund eliminated				
Louisiana	Second injury that merged with known prior PP disability results in disability substantially greater than from second injury alone or death. ⁶	Total disability benefits for first 104 weeks; in death cases, first 175 weeks; 50% of medical benefits that exceed \$5,000 but are less than \$10,000, and 100% thereafter is how much employer is reimbursed	Employer is reimbursed for all weekly compensation payments payable after first 104 weeks or 175 weeks concerning a death	Assessment on carriers and self-insurers based on benefits paid.	No reimbursement without assessment payment. Total assessment cannot be more than 125% of disbursements made from fund in prior fiscal year. Insurers or self-insured needs board approval for settlements on or after 10/1/95 for reimbursement.

Chart XIII—Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Maine	Second Injury Fund eliminated				
Maryland	Second injury that combined with a preexisting permanent impairment due to accident, disease, or congenital condition results in a greater combined disability constituting a hindrance to employment; total disability must exceed 50% of body (or equivalent) as a whole with at least 25% due to accident and 25% preexisting.	Disability caused by second injury	If permanent disability exceeds 50% of the body as a whole, employee is entitled to additional compensation for the full disability from Subsequent Injury Fund (SIF). Prior and second injury must each be compensable for at least 125 weeks. Credit given to SIF for prior awards and settlements	6.5% to Subsequent Injury Fund of compensation on all awards and settlement agreements.	
Massachusetts	Second injury that added to preexisting physical impairment results in substantially greater disability or death.	Benefits for first 104 weeks	Employer reimbursed for up to 75% of benefits after first 104 weeks	Assessment on employers.	Pro rata assessment based on losses paid during preceding year by carriers and self-insurers.
Michigan	Second injury involving loss of member or eye that added to preexisting loss of member results in PT disability.	Disability caused by second injury	Difference between compensation for second injury and PT disability. Benefits for employee with more than 1 job but for whom injury occurred on job that represented less than 80% AWWW	Assessments on carriers and self-insurers proportionate to 175% of disbursements from fund to annual compensation benefits paid.	Fund credited with any balance in excess of \$200,000.
Minnesota	Second Injury Fund eliminated for injuries after 6/30/92				
Mississippi	Second injury involving loss or loss of use of member or eye that added to preexisting loss or loss of use of member or eye results in PT disability.	Disability caused by second injury	Difference between compensation payable for second injury and permanent disability	\$500 in no-dependency death cases; \$300 in dependency cases. Commission may transfer up to \$200,000 from Administrative Expense Fund.	Payments suspended when fund reaches \$350,000 and resumed when fund reduced to \$150,000.
Missouri	Second Injury Fund cases where previous PP industrial disability of at least 12.5% or 15% of major extremity exists and where presents additional disability of at least 12.5% BAW or 15% of major extremity exists.	Disability caused by second injury	Difference between compensation payable for second injury and compounded disability	Surcharge set annually on basis of statute as a percentage of premium paid by all insured and self-insured premium equivalent. Surcharge capped at 3%.	Surcharge suspended when balance of fund exceeds 110% of monies projected paid from Second Injury Fund in ensuing calendar year and resumed when balance of fund is less than 110% of monies projected to be paid from the fund.
Montana	Any new compensable injury following certification.	Insurer liable for payment of medical benefits for 104 weeks following injury and liable for first 104 weeks of indemnity benefits	Employer reimbursed after first 104 weeks	Surcharge on employers set annually as a percentage of premium sufficient to recoup expenses from fund in prior year.	Department must certify worker as vocationally handicapped.
Nebraska ^a	For injuries occurring before 12/1/97: second injury that combined with preexisting disability causes substantially greater disability. Preexisting disability must support 25% earnings loss or 90 weeks of benefits.	Disability caused by second injury	Difference between compensation payable for second injury and the total resulting disability	2% assessment of benefits paid by carriers or self-insurers in state in prior year.	Payments suspended when fund reaches \$2,300,000. Assessment (2%) when fund reduced to \$1,200,000. Employer must have knowledge of preexisting permanent disability.

Chart XIII—Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Nevada ¹⁰	Second injury that combined with any preexisting disability results in greater disability. ¹¹				
New Hampshire	Second injury that combined with any preexisting disability results in greater disability.	Benefits for first 104 weeks	Employer reimbursed after first 104 weeks and for 50% of anything over \$10,000 during first 104 weeks	Assessment against carriers and self-insurers proportional to total benefits paid by all carriers.	Employer who undertakes job modifications to retain injured worker is reimbursed 50% of cost of modification from the fund, up to \$5,000 per year. An employer who reinstates a previously injured employee shall not be eligible for reimbursement from the fund should the employee become injured a second time.
New Jersey	Second injury that in combination with preexisting partial disability, compensable or not, totally disables employee.	Disability caused by compensable injury	Difference between compensation payable for second injury and preexisting disability	Annual surcharge on policyholders and assessment on self-insured employers of pro rata percentage of 125% of payments estimated to be paid from fund during current year, less the year-end balance more than \$5 million. Annual surcharge paid quarterly.	The commissioner of labor may transfer up to \$12,500 annually from Second Injury Fund for administrative expenses incurred by fund.
New Mexico	Second Injury Fund eliminated				
New York	Second injury where employee has a preexisting permanent physical impairment resulting in a permanent disability caused by both conditions that is materially and substantially greater than that which would have resulted from the second injury alone.	Benefits for first 104 weeks; for death or disability on or after 8/1/94, 260 weeks	Employer reimbursed after first 104 or 260 weeks	Assessment against carriers and self-insurers proportional to compensation payments made by all carriers and self-insurers. The amount of the assessment against each carrier, except the State Insurance Fund (SIF), is then calculated proportional to premiums written by all carriers. The amount of the assessment against SIF and each self-insurer is calculated proportional to compensation payments made by SIF and self-insurers.	Employer or insurer pays award and medical expenses but is reimbursed from special disability fund for benefits after the first 104 weeks. For death or disability on or after 7/1/94, 260 weeks.
North Carolina	Second injury involving loss of member or eye that added to preexisting injury results in PT disability, provided that the original and increased disability were each 20% of the entire member. ¹²	Disability caused by second injury	Difference between compensation payable for second injury and PT disability	Assessments against employer or insurer for each PP disability, up to \$250 for a minor member or \$750 for 50% or more loss or loss of use of each major member—back, foot, leg, hand, arm, eye, or hearing.	
North Dakota			Monopolistic state fund		
Ohio	Second injury that aggravates preexisting disease or condition (25 types of handicaps as listed by statute), resulting in death, temporary or PT disability, and disability compensable under a special schedule. ¹³	Disability attributable to injury or occupational disease sustained in employment	Amount of disability or proportion of cost of death award determined by bureau to be attributable to employee's preexisting disability. The bureau's decision may be appealed to Industrial Commission	Reserve set aside out of statutory surplus funds.	Self-insuring employers make excess payments from surplus fund; self-insuring employers may opt not to participate in Handicap Reimbursement Fund. By rule of commission in the case of State Fund employer, compensation in excess of amount chargeable to second injury is charged to Surplus Fund.

Chart XIII—Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Oklahoma	Second injury to physically impaired person ¹⁴ that results in additional permanent disability so degree of disability caused by the combination of disabilities is materially greater than that which would have resulted from the subsequent injury alone.	Disability caused by latest injury. Additional liability for combined disabilities constituting PT if last compensable injury occurs on or after 6/1/00. No liability for combined disabilities constituting PP	Liability for combined disabilities constituting PP only if claim for subsequent injury or last compensable injury occurred before 11/1/99. Liability for combined disabilities constituting PT only if the last compensable injury occurred before 6/1/00	Dividends to state agency policyholders insured by State Insurance Fund Comp-Source Oklahoma that are diverted to the Second Injury Fund Multiple Injury Trust Fund, and a temporary assessment against workers' compensation payers. Carriers pay the assessment based on gross direct written premiums, self-insurers pay against actual paid losses, group self-insurance associations pay against normal premium, uninsured employers pay a 5% assessment on permanent disability and death awards per calendar quarter. The assessment rate is determined by the Workers' Compensation Court Administrator by 5/1 each year (up to 6%).	PT awards against Multiple Injury Trust Fund are payable for 5 years or until 65, whichever is longer. PT awards against employer are payable for 15 years or until 65, whichever is longer.
Oregon	Any new compensable injury sustained by an injured worker within 3 years from the hire date as a preferred worker through the Workers' Benefit Fund.	No	¹⁵	Worker and employer each pay 1.7 cents per hour into Workers' Benefit Fund, which also funds 3 other programs.	Reimbursement from Fund subject to funds available. Settlement of reimbursable claim requires department approval if Workers' Benefit Fund reimbursement involved.
Pennsylvania	Second injury involving loss or loss of use that added to preexisting loss or loss of use of a hand, arm, foot, leg, or eye that results in total disability.	Scheduled benefits as a result of second injury	Remaining compensation due for total disability	Assessment against carriers and self-insurers proportional to compensation payments.	Payments made directly by department.
Rhode Island	Old fund claims with injuries prior to 9/1/74.		Payment by pretrial order; later reversed by trial decree and qualifying COLA reimbursements	Assessment payable by insurers (and group self-insurers) is 6% of net premiums written for workers' compensation without application of deductible premium credit; self-insurers pay 6% ¹⁶ of premium they would have paid to be insured; \$7,500 in no-dependency death cases; also certain penalties.	
South Carolina	Second injury that added to any previous permanent physical impairment results in substantially greater disability or death. ¹⁷	Disability caused by second injury for first 78 weeks, compensation, and medical care	Employer reimbursed for all benefits after 78 weeks, plus 50% of medical payments over \$3,000 during first 78 weeks	Pro rata assessments on carriers and self-insurers based on normalized premium. In no-dependency deaths, unpaid benefits to fund.	Employer must prove prior knowledge of impairment for any accident after 6/25/03. Any claim against fund must be filed with fund prior to payment of 78 weeks of benefits.
South Dakota			Second Injury Fund eliminated		
Tennessee	Second injury that added to preexisting impairment or disability results in PT disability.	Disability caused by second injury	Percentage of PT not attributable to second or subsequent injury	50% of revenue from 4% premium tax on insurers and self-insurers.	

Chart XIII—Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Texas	Subsequent compensable injury combined with effects of a previous injury entitles employee to lifetime income benefits.	Insurance carrier pays benefits for subsequent injury only to extent that the subsequent injury would have entitled employee to benefits had previous injury not existed	Balance of lifetime income benefits due	If compensable death occurs and no legal beneficiary survives or a claim of death benefits is not made in a timely manner, insurance carrier pays to subsequent injury fund an amount equal to 364 weeks of death benefits otherwise payable.	Division of Workers' Compensation has right of subrogation to recover claims and attorney's fees paid from Second Injury Fund.
Utah	Second injury that combined with a previous permanent incapacity due to accident, disease, or congenital condition results in PT disability.	Employer pays first 6 years of PT unless a 10% preexisting condition, then employer pays first \$20,000 of medical benefits and first 3 years of PT	50% of medical expenses in excess of \$20,000 and PT disability compensation after initial 3-year period. Balance of lifetime benefits after initial 3 or 6 years. No new injuries after 7/1/94	Up to 7.25% tax on insurers and self-insurers.	If employee is permanently and totally disabled, employer or insurance carrier credited for all prior payments of TT, TP, and PP disability compensation.
Vermont	Second Injury Fund eliminated 7/1/99				
Virginia	Second injury involving 20% loss or loss of use of member or eye that added to preexisting disability of 20% or more results in total or partial disability.	Disability caused by second injury	Employer reimbursed for compensation has expired plus up to \$7,500 each for medical and vocational rehabilitation expenses	.25% premium tax on carriers and self-insurers.	Payments suspended at \$250,000 and resumed at \$125,000.
Washington	Second injury or disease that added to preexisting injury or disease results in PT disability or death.	Disability caused by second injury	Difference between charge assessed against employer at time of second injury and total pension reserve	Transfer of not more than cost from accident fund to second injury account. Self-insurers pay proportional to claims against self-insurers, including \$10,000 in no-beneficiary deaths.	Preferred workers ¹⁸ have all benefits for claims arising within 3 years of new employment paid by fund. The fund also covers job modification costs resulting from on-the-job-injuries.
West Virginia	Second injury that in combination with physical impairment caused by prior injuries can result in PT. Second injury fund is closed for all awards made on or after 7/1/03.	Disability caused by second injury	Remainder of compensation that would be due for the PT disability	Self-insured employers pay administrative costs and second injury fund insurance.	Self-insured employer must subscribe to the second injury fund.
Wisconsin	Second injury with permanent disability for 200 weeks or more with a preexisting disability of an equal degree or greater.	Disability caused by second injury	Preexisting disability. If combined disabilities result in PT disability, fund pays difference between compensation payable for second injury and PT disability	\$10,000 in death cases or for loss of hand, arm, foot, leg, or eye. 100% of death benefit in no-dependency cases.	
Wyoming			No statutory provision		
American Samoa			No statutory provision		
Guam	Second injury which combined with previous disability causes PT.	Disability caused by second injury	Difference between compensation payable for second injury and compensable disability	State fund (appropriation).	

Chart XIII—Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Puerto Rico	Second injury which aggravates or augments any former disability.		Job injury not caused by work accident is compensated in addition to second injury. Compensation for prior job injury is deducted from compensation payable for total disability, except where combined injury results in PT disability, which is compensated as such	Insurance premiums defray work-related injuries; however, previous impairments are covered from fund for catastrophes which does not affect employers accident experience ratings or premiums.	Difference between expenditures of the Industrial Commission and manager of State Insurance Fund and their maximum budget allotment are placed in the Reserve Fund for catastrophes except for medical expense surpluses up to \$1,000,000.
Virgin Islands			No statutory provision ¹⁹		
FECA			No statutory provision		
Longshore Act	Second injury resulting in PP disability that added to preexisting injury results in PT disability or greater PP disability.	Disability caused by second injury for first 104 weeks	Balance of compensation after 104 weeks	\$5,000 in no-dependency death cases or unpaid awards. Pro rata assessments based on losses paid. Fines and penalties.	
Alberta	All enhanced disabilities due to the aggravation of preexisting condition.	No	Yes	Accident Fund.	
British Columbia	All disabilities enhanced by reason of a preexisting disease, condition, or disability.	No	Yes	Special reserve in Accident Fund.	Where preexisting disease or disability prolongs recovery or makes compensable disability worse, employer may be entitled to relief of costs after 10 weeks of benefits (RSCM 114.40B).
Manitoba	Preexisting or underlying conditions; occupational disease exposure outside Manitoba; loss of earnings from an employment other than worker's employer; prolonged recovery as result of second accident; costs of preventive rehabilitation measures; costs associated with an injury while a worker is on a vocational rehabilitation placement; increase in benefits due to recurrence, age, or apprenticeship; or other circumstances that board determines would unfairly burden a particular class, subclass, group, or subgroup.	No	Yes	Cost Apportionment Fund. Benefit costs for workers injured at work or in a job training program are allocated to collective fund.	Cost relief is not available for employers who are individually responsible for benefit costs of their injured and ill workers.
New Brunswick	Recurrence of injuries; aggravation of preexisting conditions which impact disability, and industrial diseases with exposure outside New Brunswick.	No	Yes	Accident Fund.	No cost relief available for self-insured employers (government).
Newfoundland and Labrador	All injuries or recurrences that occur during Labour Market Reentry Program and injuries that are extended due to a preexisting work-related injury with a different employer.	No	Yes, for that portion of the disability attributable to the second injury	Second Injury Relief Account.	
Northwest Territories and Nunavut	All disabilities enhanced due to preexisting disease, condition, or disability.	No	Cost relief applied on a sliding scale on severity of injury and pre-existing condition	Accident Fund.	

Chart XIII—Second Injury Funds, Cont.

Jurisdiction	Injuries Covered	Payable by Employer	Payable by Fund	Sources of Fund	Special Provisions
Nova Scotia			No Second Injury Fund		
Ontario	All disabilities caused or enhanced due to preexisting disease, condition, or disability.	No ²⁰	Determined by board—apportionment usually 50% but may range from 25% to 100% of cost, subject to approval	Accident Fund.	Not restricted to permanent disability cases.
Prince Edward Island			No statutory provision		
Québec	Disabilities caused or enhanced due to preexisting condition or disability.	No; charges spread among all employers if it is demonstrated that worker was previously disabled	No specific fund designated	Accident Fund.	
Saskatchewan	Injury caused by underlying condition unrelated to worker's employment and injury caused by prior work condition, period of disability, compensation, or award, from work injury increased due to prior conditions (impairment)	No	All claims costs and additional claims costs incremental to prior claim	Second Injury and Re-Employment Reserve; Disaster and Occupational Disease Reserve.	No responsibility assumed for worker's underlying conditions, and no responsibility assumed for prior conditions that are not work-related.
Yukon Territory	All enhanced disabilities because of similar or other disabilities.	No	Yes	Compensation Reserve Fund for enhanced disabilities and assessment on employer's annual payroll.	
Canadian Merchant Seamen's Act			No statutory provision		

Chart XIII—Second Injury Funds, Cont.

Notes

¹ Alabama—An amount is included in annual workers' compensation budget which shall be allocated for the specific and exclusive purpose of paying only benefits to claimants who qualified to receive benefits from the Second Injury Trust Fund on 5/19/92.

² California—Second injury must account for 35% unless prior disability involved a major member and second injury was to opposite and corresponding member and accounts for at least 5%. No benefits payable for subsequent unrelated noncompensable injury.

³ Colorado—Fund closed to injuries occurring on or after 7/1/93 and for occupational diseases occurring on or after 4/1/94.

⁴ Georgia—Second Injury Fund eliminated for injuries after 7/1/06.

⁵ Illinois—Employer liable in full if second injury is permanent and total without relation to prior injury.

⁶ Louisiana—PP disability means any permanent condition due to injury, disease, or congenital causes which is likely to be a hindrance to employment. Certain scheduled conditions are presumed PP disabilities if employer had prior knowledge.

⁷ Michigan—Compensation to certified vocationally handicapped persons payable from fund after 52 weeks.

⁸ Minnesota—For a registered condition if subsequent injury causes substantially greater disability or if injury, disability, or death would not have occurred but for the preexisting impairment, fund pays benefits.

⁹ Nebraska—Effective 7/1/00, Second Injury Fund merged with Vocational Rehabilitation Fund and is referred to as Workers' Compensation Court Trust Fund. In death cases it must be

established that either injury or death would not have occurred except for such preexisting permanent physical impairment (any permanent condition due to previous accident, disease, or congenital condition which is likely to be a hindrance to employment).

¹⁰ Nevada—Nevada currently has 3 subsequent injury accounts: self-insured employers whose board has a 2-tier hearing process subject to petition for judicial review to district court; associations of self-insured employers in public or private employment have a board that hears the matter subject to a petition for judicial review to district court; and private carriers with an administrative hearing before an administrative law judge which is subject to a petition for judicial review to district court. The state insurance company privatized as of 1/1/00; its successor organization administers any Second Injury Fund claims incurred prior to 1/1/00.

¹¹ Nevada—Preexisting permanent physical impairment must be at least 6% as determined by *AMA Guides to Permanent Impairment*. Compensation due is charged to second injury account of which member belongs.

¹² North Carolina—Epilepsy is considered a prior permanent disability.

¹³ Ohio—Does not apply to compensation for TP or percentage of PP disability.

¹⁴ Oklahoma—Someone who as a result of accident, disease, birth, military action, or any other cause, has suffered the loss of sight of 1 eye, loss by amputation of whole or part of a member of body, or loss of use or partial loss of use of a member such as is obvious and apparent from observation or examination by an ordinary layman or any preexisting disability adjudged and determined by the Workers' Compensation

Court or any disability resulting from separately adjudicated injuries and adjudicated occupational diseases even though arising at the same time.

¹⁵ Oregon—Employer-at-Injury Program provides assistance to employers to encourage early return-to-work of injured workers before claim closure. Benefits offered are a wage subsidy not to exceed 66 workdays, early return-to-work purchases, and work-site modification up to \$2,500. Under the Preferred Worker Program, employers hiring preferred workers are exempt from paying premiums and premium assessments on the worker for 2 years from hire date. Fund reimburses all claim costs incurred by the worker for any compensable injury within 3-year period. Other return-to-work incentives include work-site modification up to \$25,000, wage subsidy of 50% up to 183 calendar days, and necessary purchases to obtain employment.

¹⁶ Rhode Island—Percentage of assessment determined by director on or before each 7/15.

¹⁷ South Carolina—Permanent physical impairment means any permanent condition due to injury, disease, or congenital causes which is likely to be a hindrance to employment. Certain scheduled conditions are presumed to be permanent physical impairments if employer had prior knowledge.

¹⁸ Washington—Preferred workers are defined as workers who must change jobs due to effect of an industrial injury or illness. Basic premiums are waived for first 3 years on new job.

¹⁹ Virgin Islands—Employer liable for compensation due for total resulting disability.

²⁰ Ontario—Only applies to Schedule 1 employers; Schedule 2 employers not eligible for Second Injury Fund relief.

Chart XIV—Administration Expenses: Workers' Compensation Departments

Jurisdiction	System Provided for	Fund or Appropriation	Assessment Provisions		Other Income
			Against Whom	Amount	
Alabama	Private insurance, self-insurance	Administrative fund	Insurance carriers, self-insurers, and group self-insurance funds	\$250 plus amount based on proportion of total gross claims for compensation and medical payments paid by carrier, self-insured employer, or group fund during preceding calendar year to total gross claims for compensation and medical payments paid by all carriers, self-insured employers, and group funds during that period	
Alaska	Private insurance or approved self-insurance	Administration fund	Insurers and self-insured employers	Insurers—1.82% of direct premium income, less statutory selections. Self-insured employers—2.8% of all payments. Less payments to Second Injury Fund	
Arizona	Competitive fund	Administrative fund	Carriers, self-insurers, and state fund	Not to exceed 3% of premiums	\$500 first year for carriers, \$100 first year for self-insurers
Arkansas	Private insurance	Special fund	Carriers and self-insurers	Up to 3% of manual premiums	
California	Competitive fund	Assessment ^a	Insurers and self-insurers		Fines and penalties
Colorado	Competitive fund, private insurance, approved self-insurance	Special funds, major medical and cash fund; and premium cost containment fund	Carriers and self-insurers; Second Injury Fund	Carriers—3.818% premium surcharge. 3.788% premium surcharge for self-insurers	
Connecticut	Private insurance	Special funds	Carriers and self-insurers	Pro rata assessment necessary to cover expenses	
Delaware	Private insurance	General appropriation	Carriers	Prorated	
District of Columbia	Private insurance	Administrative fund	Carriers and self-insurers	Prorated on basis of total compensation and medical payments	
Florida	Private insurance	Administration fund	Carriers, self-insurers, self-insurance funds, and assessable mutual companies	0.75% of net collected premiums	Penalties, fees, investment income, and fines
Georgia	Private insurance self-insurance	Assessment against insurance carriers and self-insured companies precedes general appropriation	Carriers and self-insurers	Prorated	
Hawaii	Private insurance	General appropriation			
Idaho	Competitive fund	Industrial administration fund	Carriers, self-insurers, and state fund		Fines, penalties, and fees for copies and publications
Illinois	Private insurance, approved self-insurance	Special fund	Carriers and self-insurers	1.01% premium surcharge and 0.0075% annual wages	
Indiana	Private insurance, approved self-insurance	General appropriation			
Iowa	Private insurance	General appropriation			
Kansas	Private insurance, self-insurance, group pools	Special fund	Private insurers, self-insurers, and approved group-rated pools	Up to 3% of paid losses	
Kentucky	Private insurance, self-insurance	Maintenance fund	Carriers and self-insurers	9% premium for policies issued to employers, both coal and noncoal; Coal Workers Pneumoconiosis Fund for companies severing coal—0.5% of premium plus .25 cents per ton on coal severed	\$19 million severance tax from Revenue Cabinet currently suspended, with date of reinstatement unknown

Chart XIV—Administration Expenses: Workers' Compensation Departments, Cont.

Jurisdiction	System Provided for	Fund or Appropriation	Assessment Provisions		Other Income
			Against Whom	Amount	
Louisiana	Private insurance, approved self-insurance	Assessment against insurance carriers and self-insurers	Carriers and self-insurers	Percentage fixed annually	Fines, penalties, and fees for copies and publications
Maine	Private insurance	Administrative fund	Carriers and self-insurers ⁴	Percentage fixed annually ⁴	Penalties against insurers for failure to pay timely compensation
Maryland	Competitive fund	General appropriation	Carriers, self-insurers, and state fund	Prorated	Commission may assess up to \$500 annually against self-insurers and self-insured groups for actuarial studies and audits
Massachusetts	Private insurance Self-insurance	Special fund	Employers	Prorated assessment necessary to cover expenses.	Referral fees, fines, and penalties
Michigan	Private insurance, self-insurance	General appropriation	Carriers and self-insurers	.75% of compensation used for safety education and training fund	\$200 fee on redemption settlements
Minnesota	Private insurance, approved self-insurance (including group)	Special compensation fund	Carriers and self-insurers	30% of indemnity paid	Civil penalties, copy fees, and other recoveries
Mississippi	Private insurance	Special fund	Carriers and self-insurers	Assessment of \$250 against each carrier and self-insurer; remaining expenses prorated	Civil penalties
Missouri	Private insurance, self-insurance	Administrative fund	Carriers and self-insurers	Up to 2% premiums and up to 2% surcharge on deductible portion of policies	Fees for records and other recoveries
Montana	Private insurance, approved self-insurance, competitive fund	Special fund	Employers, self-insurers, and private insurance companies	Surcharge on premium based on 3% of indemnity and medical benefits paid in the prior calendar year	Fees for copies and publications, administrative penalties and interest charges, and licensing fees
Nebraska	Private insurance	Special fund, self-insurance fund, trust fund	Carriers and self-insurers	Carriers—1% of written premiums. Self-insurers—2.75% of prospective-loss costs. Special assessment as required ⁵	Fees for copies and publications and other recoveries
Nevada	Private insurance and self-insurance (including group)	State insurance fund from assessment of members of particular fund	Carriers and self-insurers	Assess as needed	Administrative fines, premium penalties, collections on behalf of the uninsured employer's claim account, and interest.
New Hampshire	Private insurance	Administration fund appropriation	Carriers and self-insurers	Prorated on basis of total compensation paid; \$100 minimum. ⁶	Civil penalties
New Jersey	Private insurance, approved self-insurance	Assessment against insurance carriers and self-insurers	Carriers and self-insurers	Percentage fixed annually	
New Mexico	Private insurance	Special fund	Employers and employees	\$2 collected quarterly and assessed against all employers and employees covered under Workers' Compensation Act	Civil penalty up to \$5,000 for finding of retaliation by employer against employee filing claim
New York	Competitive fund	Assessment	Carriers, self-insurers, and state fund	Total amount prorated on basis of compensation payments	Fines and penalties
North Carolina	Private insurance	General appropriation	Carriers and self-insurers	On gross premiums at rate in revenue act ⁷	
North Dakota	Exclusive state fund	Appropriation from Workforce Safety and Insurance	Employers	Budget submitted biennially to legislature	Building rental income, investments, fees, penalties, third-party recoveries, and \$250 assessment
Ohio	Exclusive fund, self-insurance	State fund	All employers, including self-insurers, counties and taxing district, and state instrumentalities	15.26%, 13.92%, and 8.97% of premium for respective employers, private state fund employers, state agencies, and public employer taxing district ⁸	

Chart XIV—Administration Expenses: Workers' Compensation Departments, Cont.

Jurisdiction	System Provided for	Fund or Appropriation	Assessment Provisions		Other Income
			Against Whom	Amount	
Oklahoma	Competitive fund, private insurance, and self-insurance	Administrative fund and general appropriations	Carriers and self-insurers	1% premium tax and 2% tax on self-insurers based on compensation paid for permanent disability or death	Fees, fines, and penalties
Oregon	Competitive fund, private insurance, and self-insurance	Administrative fund	Carriers, self-insurers, and self-insured groups	6.8% of earned premium; additional 7% for self-insured groups	Fines, penalties, and interest
Pennsylvania	Competitive fund	Administration fund	Employer (through carrier)	Insurers—prorated by premiums earned; self-insurers—assessed based upon compensation paid	
Rhode Island	Private insurance	Administrative fund	Carriers, self-insurers, group self-insurers, state, and municipalities	Carriers and group self-insurers—6% of net premiums written; self-insurers—6% of premium they would have paid to be insured ⁹	Fines and fees
South Carolina	Private insurance	General appropriation	Carriers and self-insurers	2.5% of premiums	Fines and fees
South Dakota	Private insurance	General appropriation	Carriers	\$14 per policy	
Tennessee	Private insurance	General appropriation	Carriers and self-insurers	4% of premiums	
Texas	Private insurance, certified self-insurance	General appropriation	Carriers and self-insurers	0.92% of gross workers' compensation premiums paid to General Revenue Fund for administration of commission	Fees for records, checks, copies, publications, audits, and safety inspections
Utah	Competitive fund, private insurance, self-insurance	Trust funds	Carriers and self-insurers		
Vermont	Private insurance	Special fund	Employers and self-insurers	Employers—0.40% of premium; self-insurers—1% of workers' compensation losses during preceding calendar year	
Virginia	Private insurance	Special fund	Carriers and self-insurers	2.50% of premiums maximum	
Washington	Exclusive fund and self-insurance	State fund	Employers and self-insurers	Determined by director.	Investment income, penalties, and third-party actions
West Virginia	Private insurance and self-insurance	Policy surcharge	All employers and self-insurers	Premium percentage fixed annually	
Wisconsin	Private insurance	General fund (based on assessment)	Carriers and self-insurers	Pro rata on all indemnity paid on cases first closed in prior year	
Wyoming	Exclusive fund and private insurance ¹⁰	Workers' compensation fund	Employers	Expended budget	Interest from investments, penalties, interest and third-party lawsuits
American Samoa		Special fund	Employers and carriers	Determined by commission	Fines and penalties
Guam	Private insurance	General appropriation			
Puerto Rico	Exclusive fund	State fund and appropriations	Employer	22% of total premium receipts maximum	Income and investments
Virgin Islands	Exclusive fund	Government Insurance fund	Employers	Premium percentage fixed annually	Fines, penalties, interest, and investments
FECA	Exclusive fund	Appropriation authorized from U.S. Treasury	Employing agencies	Cost of compensation and medical expenses	
Longshore Act	Private insurance	Appropriation authorized from U.S. Treasury			
Alberta	Exclusive fund	Accident fund	All employers under Act	Determined by board	Investment income, interest, and penalties.
British Columbia	Exclusive fund	Accident fund	All employers	Determined by board based on injury rate experience in industry class	Investment income

Chart XIV—Administration Expenses: Workers' Compensation Departments, Cont.

Jurisdiction	System Provided For	Fund or Appropriation	Assessment Provisions		Other Income
			Against Whom	Amount	
Manitoba	Exclusive fund for premium-paying employers	Accident fund	All premium-paying employers	Determined by board. Some employers pay benefit costs and administrative fees	Consolidated fund Lt. Governor-in-Council may gather from investment income, interest, and penalties
New Brunswick	Exclusive fund	Accident fund	All assessed employers	Included in industry rates set by the commission; self-insurers pay costs plus administrative fee	Interest, penalties, investment income, and service fees
Newfoundland and Labrador	Exclusive fund	Injury fund	All enumerated employers	Determined by commission	Interest and penalties
Northwest Territories and Nunavut	Exclusive fund	Accident fund	All employers	Determined by board	Investment income, interest, and penalties
Nova Scotia	Exclusive fund	Accident fund	All enumerated employers; administrative costs for self-insurers	Determined by board	Investment income and penalties
Ontario	Schedule I employers—exclusive fund; Schedule II employers—individual liability	Schedule I employers—insurance fund; Schedule II employers—deposit or collateral with board	Schedule I—all employers; Schedule II employers—administrative costs	Determined by board	Investment income and penalties
Prince Edward Island	Part I—exclusive fund; Part II—individual liability; no limitation	Accident fund	All enumerated employers	Determined by board	Investment income and penalties
Québec	Exclusive fund; individual liability for employers held personally responsible for payment of benefits	Accident fund and deposit with commission for employers held personally responsible	All employers	Determined by commission	Investment income, interest, and penalties
Saskatchewan	Exclusive fund	Injury fund	All employers	Determined by board	Investment income, interest, and penalties
Yukon Territory	Exclusive fund	Accident fund	All employers	Determined by board	Investment income and penalties
Canadian Merchant Seamen's Act	Private insurance	Cost of administration apportioned among employers	All employers of merchant seamen		

Notes

¹ California—The Workers' Compensation Administration Revolving Fund pays for administrative expenses and is funded by employers and insurers.

² California—Assessments are of 4 parts: User Fund Assessment factor is 0.004809 for insured employers, 0.021993 for self-insured employers (assuming employers paying 100% of administrative costs); Uninsured Employer Benefits Trust Fund factor is 0.000691 for insured employers, 0.002696 for self-insured employers; Subsequent Injuries Benefits Trust Fund factor is 0.000259 for insured employers and 0.001099 for self-insured employers; and Fraud Surcharge factor is 0.000500 for insured employers and

0.003662 for self-insured employers. Assessment method can be found online at <http://www.dir.ca.gov/dwc/04ufund.pdf>.

³ District of Columbia—Exclusive fund for DC government workers, financed by DC and/or federal appropriation.

⁴ Maine—Assessment against every insurance company or association authorized to write workers' compensation insurance. Assessments may not produce more than \$8,565,000 beginning in the 2004–2005 fiscal year and \$8,525,000 beginning in the 2005–2006 fiscal year. Assessment on carriers is passed through to employers.

⁵ Nebraska—Not especially for workers' compensation administration.

⁶ New Hampshire—Total assessment may not

exceed amount appropriated for budget of Workers' Compensation Division.

⁷ North Carolina—Stock and mutual carriers pay 22% of net written premiums for period covered by return. All self-insurers also pay 22%.

⁸ Ohio—Effective 7/1/90, self-insured employers assessed on a prorated portion of paid compensation in self-insured claim.

⁹ Rhode Island—Percentage of assessment determined by director on or before each 7/15.

¹⁰ Wyoming—Private insurers allowed to write coverage for industries and occupations not considered extra hazardous; however, only state fund allowed to provide immunity to lawsuit by injured workers.

Chart XV—Appeal Provisions

Jurisdiction	Administration	Time For Appeal	To What Court	Process and Procedure	Questions Reviewed		Basis For Review	Jury Trial
					Law Only	Law and Fact		
Alabama	Courts ¹	42 days	Court of Civil Appeal/ Supreme Court	Certiorari		Yes	Record	
Alaska	Workers' Compensation Board	30 days	Workers' Compensation Appeals Commission/ Supreme Court	Notice of appeal		Yes ²	Record	No
Arizona	Industrial Commission	30 days	Court of Appeals/ Supreme Court	Certiorari		Yes	Record	No
Arkansas	Workers' Compensation Commission	30 days	Court of Appeals	As in civil actions, with precedence over all other civil cases	Yes		Record	No
		No provision	Supreme Court	As in civil actions	Yes			No
California	Workers' Compensation Appeals Board	45 days	Supreme Court or District Court of Appeals	Writ of review	Yes		Record	No
Colorado	Industrial Claims Appeals Office	20 days	Court of Appeals	Court of Appeals reviews any decision of Industrial Claims Appeals Office		Yes	Record	No
		15 days	Supreme Court	Writ of certiorari; courts will not alter factual findings supported by substantial evidence		Yes	Record	No
Connecticut	Chairman	20 days	Compensation Review Board	Notice of appeal ³		Yes		No
		20 days	Appellate Court, Supreme Court	Notice of appeal ³	Yes	Yes	Record	No
Delaware	Office of Workers' Compensation	30 days	Superior Court	As prescribed by court		Yes	Record	No
District of Columbia	Department of Employment Services		Office of Hearings and Adjudication	Application		Yes	Hearing de novo	No
		30 days	Compensation Order Appeals Board	Application	Yes		Record	No
		30 days	DC Court of Appeals	Petition	Yes		Record	No
District of Columbia Government Workers	Office of Benefits Administration	30 days	Office of Hearings and Adjudication	Application		Yes	Hearing de novo	No
		30 days	Compensation Order Appeals Board	Application	Yes		Record	No
		30 days	DC Court of Appeals	Application		Yes	Trial de novo	No
Florida	Division of Administrative Hearings	30 days	District Court of Appeal, First District	Notice of appeal		Yes	Record	No
Georgia	State Board of Workers' Compensation	20 days	Superior Court Court of Appeals	Notice of appeal Discretionary authority	Yes		Record	No
Hawaii	Disability Compensation Division	20 days 30 days	Appellate Board Supreme Court	Notice of appeal ⁴	Yes	Yes	Trial de novo Record	No
Idaho	Industrial Commissioner	42 days	Supreme Court	Notice of appeal	Yes		Record and transcript of evidence	No
Illinois	Illinois Workers' Compensation Commission	20 days 30 days	Circuit Court Appellate Court Supreme Court ⁵	Proceeding for review As prescribed by court		Yes Yes	Record; no additional evidence	No
Indiana	Workers' Compensation Board	30 days	Court of Appeals	As in civil action ²	Yes		Assignment of errors	No
Iowa	Workers' Compensation Commissioner	30 days 20 days	District Court Supreme Court	Petition for judicial review As in civil cases	Yes Yes		Certified transcript of documents and evidence	No
Kansas	Workers' Compensation Board	10 days	Court of Appeals	Notice of Appeal		Yes	Transcript of evidence and proceedings	No

Chart XV—Appeal Provisions, Cont.

Jurisdiction	Administration	Time For Appeal	To What Court	Process and Procedure	Questions Reviewed			Jury Trial
					Law Only	Law and Fact	Basis For Review	
Kentucky	Office of Workers' Claims	30 days	Workers' Compensation Board Court of Appeals Supreme Court	Notice of appeal Petition for appeal as in civil actions	Yes		Certified record	No
Louisiana ^a	Office of Workers' Compensation	60 days ⁷	Appellate Court	Petition		Yes	Transcript of proceedings	No
		30 days	Appellate Court	As in civil actions		Yes	Transcript of proceedings	No
			Supreme Court	As in civil cases		Yes	Certified record	No
Maine	Workers' Compensation Board	20 days	Law Court	Certiorari ⁸	Yes		Record	No
Maryland	Workers' Compensation Commission	30 days	Circuit Court Court of Appeals ⁹	As in civil cases		Yes	Trial de novo	Yes, on demand
Massachusetts	Department of Industrial Accidents	30 days No provision	Appeals Court Supreme Judicial Court	As in civil cases As in civil cases	Yes Yes	Agreed statement of facts, findings and decision	Certified record	No
Michigan	Workers' Compensation Appellate Commission	30 days	Court of Appeals/ Supreme Court	Certiorari, mandamus, or other permissible method	Yes			No
Minnesota	Office of Administrative Hearings ¹⁰	30 days	Workers' Compensation Court of Appeals Supreme Court	Notice of appeal Certiorari		Yes	Certified record; oral arguments on issues of law	No
Mississippi	Workers' Compensation Commission	30 days	Circuit Court Court of Appeals Supreme Court	Notice of appeal As in civil cases		Yes Yes	Record Record	No
Missouri	Division of Workers' Compensation ¹¹	20 days 30 days	Labor and Industrial Relations Commission Appellate Court		Yes	Yes	Certified record	No
Montana	Department of Labor and Industry	2 years 20 days ¹²	Workers' Compensation Court Montana Supreme Court	Notice of appeal		Yes	Certified record	No
Nebraska	Workers' Compensation Court ¹³	14 days 30 days	Workers' Compensation Court Review Panel Court of Appeals/Supreme Court	Notice of appeal and bill of exceptions Notice of appeal and bill of exceptions (general laws)	Yes		Certified record	No
Nevada	Department of Administration Hearings Division	70 days	Department of Administration Hearing Officer	Appeal insurer determination to hearing officer	Conclusions of law reviewed de novo	Findings of fact are sustained if not arbitrary and capricious	Record on appeal	No
		30 days	ALJ—Department of Administration Appeals Officer	Notice of appeal				
		30 days 30 days	District Court Supreme Court	Petition Append				
New Hampshire	Department of Labor	30 days	Compensation Appeals Board, Supreme Court	Notice of appeal		Yes	Trial de novo	No
New Jersey	Division of Workers' Compensation	45 days	Appellate Division of Superior Court	Notice of appeal		Yes	Record	No
New Mexico	Court of Appeals	30 days	Court of Appeals	As in civil actions		Yes	Certified record	No
New York	Workers' Compensation Board	30 days after decision is filed or served	Board panel of 3 commissioners ¹⁴ Appellate Division, Third Department Court of Appeals	Review application Notice of appeal Notice of appeal or motion for permission to appeal	Yes Yes		Record	No
North Carolina	Industrial Commission	30 days	Court of Appeals	As in civil actions ¹⁵	Yes		Record	No

Chart XV—Appeal Provisions, Cont.

Jurisdiction	Administration	Time For Appeal	To What Court	Process and Procedure	Questions Reviewed		Basis For Review	Jury Trial
					Law Only	Law and Fact		
North Dakota	Workforce Safety and Insurance	30 days 60 days	District Court Supreme Court	Appeal Appeal	Yes	Yes Yes	Record Record	No
Ohio	Industrial Commission	60 days	Court of Common Pleas	Notice of appeal and petition by claimant or employer		Yes	Trial de novo	Yes, on demand
		No provision	Supreme Court					
Oklahoma	Workers' Compensation Court	20 days ¹⁶	Supreme Court ¹⁶	Petition		Yes	Certified record and specifications of error	No
Oregon	Workers' Compensation Board ¹⁷	30 days	Workers' Compensation Board/ Court of Appeals	Notice of appeal		Yes	Record	No
	Workers' Compensation Division ¹⁷	35 days 60 days 35 days	Supreme Court Court of Appeals Supreme Court	Petition Appeal Petition	Yes	Yes Yes	Record Record Record	No No No
Pennsylvania	Bureau of Workers' Compensation ¹⁸	20 days 30 days	Workers' Compensation Appeal Board Commonwealth Court Supreme Court	Appeal Petition Petition for allowance of appeal	Yes Yes		Certified record	No
Rhode Island	Workers' Compensation Court	5 days 20 days	Workers' Compensation Court Appellate Division of Workers' Compensation Court Supreme Court	Claim of appeal Writ of certiorari	Yes	Yes	Certified documents and testimony	No
South Carolina	Workers' Compensation Commission Judicial Division	30 days	Court of Common Pleas ¹⁹	As in civil actions	Yes		Record	No
South Dakota	Division of Labor and Management ²⁰	30 days 60 days	Circuit Court Supreme Court	Notice of appeals As in civil actions		Yes	Certified record	No
Tennessee	Workers' Compensation Division	10 days No provision	Circuit Court Workers' Compensation Appeals Panel Supreme Court	As in civil actions Writ of error		Yes	Trial de novo Certified record	No
Texas	Division of Workers' Compensation Commission	40 days ²¹		Appeal decision		Yes	Limited to issues decided by the commission appeals panel on which judicial review is sought	Yes
Utah	Labor Commissioner or Appeals Board	30 days	Court of Appeals	Petition for review		Yes	Certified record	No
Vermont	Workers' Compensation Commissioner	30 days After 30 days	Superior Court ²² Supreme Court	As prescribed by court As prescribed by court	Yes	Yes	Certified record	No
Virginia	Workers' Compensation Commission	30 days	Court of Appeals	Notice of appeal		Yes	Certified record	No
Washington	Board of Industrial Insurance Appeals	60 days 30 days	Board of Industrial Insurance Appeals Further Appeal, Superior Court	Notice of appeal As in civil actions		Yes	Trial de novo, but on testimony before board	Yes, on demand
West Virginia	Insurance Commissioner	30 days ²³	Office of Judges Workers' Compensation Board of Review Supreme Court of Appeals	Petition		Yes Yes	Record of proceedings	No
Wisconsin	Labor and Industry Review Commission	21 days	Circuit Court Court of Appeals Supreme Court	Action against commission As from orders	Yes		Record	No
Wyoming	Hearing Examiners or Medical Commission	30 days	District Court Supreme Court	Petition and bill of exceptions		Yes	Record	No

Chart XV—Appeal Provisions, Cont.

Jurisdiction	Administration	Time For Appeal	To What Court	Process and Procedure	Questions Reviewed		Basis For Review	Jury Trial
					Law Only	Law and Fact		
American Samoa	Commissioner	30 days	High Court	Application			Record	
Guam	Workers' Compensation Commission	30 days	Superior Court	Injunction proceedings	Yes		Record	No
Puerto Rico ²⁴	Industrial Commission	30 days	Industrial Commission	Appeal	Yes	Yes	Record	No
		20 days	Industrial Commission	Reconsideration	Yes		Record	No
		30 days	Circuit Court of Appeals	Petition for review	Yes		Certified Record	No
		30 days	Supreme Court of Puerto Rico	Certiorari	Yes	²⁵	Certified Record	No
Virgin Islands	Dispute Resolution Unit	30 days	Hearing Office	Mediation		Yes	Record	No
		30 days	ALJ	Formal		Yes		
		30 days	Department of Labor Court	Reconsideration	Yes			
		30 days		Civil Actions	Yes			
FECA ²⁶	Division of Federal Employees' Compensation, OWCP	1 year	Reconsideration	In writing		Yes	Record	No
		30 days	Hearing ²⁷	In writing				
		90 days	Appeals Board	In writing				
		to 1 year						
Longshore Act	Division of Longshore and Harbor Workers' Compensation, OWCP	30 days	Benefits Review Board ²⁸	Petition		Yes	Record	No
		60 days	U.S. Court of Appeals	Petition			Record	No
Alberta	Workers' Compensation Board	1 year	Decision review bodies (internal)	Petition		Yes	Record and written or oral testimony	No
			Appeals Commission (external)	Notice of appeal in writing		Yes	Record and written or oral testimony	No
British Columbia	Workers' Compensation Board	90 days	Workers' Compensation Board Review Division (internal)	Appeal		Yes, de novo	Record and written or oral testimony	No
	Workers' Compensation Appeal Tribunal	30 days	Workers' Compensation Appeal Tribunal (external)	Appeal or referral		Yes, de novo	Record and written or oral testimony	No
Manitoba	Workers' Compensation Board	No limit	Review Office or Assessment Committee Appeal Commission	Reconsideration by written request Appeal by written request		Yes	Record and written or oral testimony	No
New Brunswick	Workplace Health, Safety and Compensation Commission	1 year	Workplace Health, Safety and Compensation Commission Appeals Tribunal	Appeal by-laws ²⁹			Claim file, written and/or oral testimony	No
	Registrar of the Court of Appeals of New Brunswick	30 days	Court of Appeals	Rules of Court	Yes ³⁰		Appeal Record	
Newfoundland and Labrador	Workplace Health, Safety and Compensation Commission	30 days	Workplace Health, Safety and Compensation Review Division	Written request		Yes	Record and oral testimony	No
Northwest Territories and Nunavut	Workers' Compensation Board	No limit	Review Committee, Appeals Tribunal	Appeal in writing		Yes	Record and written or oral testimony	No
Nova Scotia	Workers' Compensation Board	30 days	Hearing Officer	Deliver, mail, or fax form		Yes	Oral or paper	No
		30 days	Appeals Tribunal	Deliver, mail, or fax form		Yes	Oral or paper	No
		30 days	Court of Appeals	Leave to appeal		Yes	Jurisdiction	No
Ontario	Workplace Safety and Insurance Board	6 months	Independent Appeals Tribunal	Request to Appeals Tribunal	Yes	Yes	De novo	No
Prince Edward Island	Workers' Compensation Board		Independent Appeals Tribunal	Request to Appeals Tribunal	³¹	Yes	Record	No

Chart XV—Appeal Provisions, Cont.

Jurisdiction	Administration	Time For Appeal	To What Court	Process and Procedure	Questions Reviewed		Basis For Review	Jury Trial
					Law Only	Law and Fact		
Québec	Ministère du Travail Commission de la santé et de la secu- rité au Travail	30 days	Bureau d'évaluation médicale	Notice (medical facts only)	Yes	Yes	Medical file and examination	No
		30 days	Review	Appeal		Yes	File only	No
		45 days	Commission des lésions professionnelles	Appeal, recourse joint board		Yes	Conciliation offered	No
Saskatchewan	Workers' Compensation Board	No limit	Board	In writing		Yes	Record and written or oral testimony	No
Yukon Territory	Workers' Compensation Health and Safety Board	No limit	Hearing Officer Independent Appeal Tribunal	Appeal in writing		Yes	Record, written, No and oral testimony	No
Canadian Merchant Seamen's Act	Merchant Seamen Compensation Board	No limit	Board	Appeal in writing	Yes		Record and written or oral testimony	No

Notes

¹ Alabama—Ombudsman program, effective for injuries after 1/1/93, to mediate disputes. Settlements reached under this process do not require court approval but may be taken to court for final judgment.

² Alaska—Review of facts limited to whether findings supported by substantial evidence in record.

³ Board may certify question of law on its own motion.

⁴ Hawaii—Appellate board may certify questions of law to Supreme Court.

⁵ Illinois—Supreme Court jurisdiction discretionary.

⁶ Louisiana—If any compensation under a final, nonappealable judgment is not paid within 30 days, a 24% penalty or \$100 per day, whichever is greater, will be added to compensation.

⁷ Louisiana—60 days for devolutive appeal; 30 days for suspensive appeal.

⁸ Maine—Appeal to court may be stayed by hearing officer obtaining review of decision by board. Appeals to law court then taken from decision issued by board.

⁹ Maryland—Following an appeal in Circuit Court, further appeals on questions of law only are allowed to Court of Appeals.

¹⁰ Minnesota—Disputed Workers' Compensation Division conference determination is heard de novo at Office of Administrative Hearings.

¹¹ Missouri—ALJ's award may be appealed to Industrial Commission.

¹² Montana—Varies depending upon reason for appeal.

¹³ Nebraska—Court is constituted the same as boards and commissions in other states.

¹⁴ New York—Split panel decisions appealed to full board within 30 days. All panel decisions can be appealed to Appellate Division, Third Department of the Supreme Court within 30 days. Appellate Division decisions can be reviewed as of right in the Court of Appeals if there is a dissent by 2 judges. Otherwise, appeals to the Court of Appeals are by permission only; 30-day limit applies.

¹⁵ North Carolina—Commission may certify questions of law to Court of Appeals. Commission may order payment of portion of award not in dispute.

¹⁶ Oklahoma—Appeal to Workers' Compensation Court en banc within 10 days may be filed in lieu of appeal to Supreme Court. En banc order may be appealed to Supreme Court within 20 days.

¹⁷ Oregon—Oregon has 2 forums which hear contested cases: Workers' Compensation Board's Hearings Division hears a variety of cases including but not limited to compensability, responsibility, compensation (extent of disability), safety and health, and other issues; Office of Administrative Hearings hears cases on behalf of Workers' Compensation Division regarding a variety of matters, including but not limited to medical treatment and fees, palliative care, managed care organizations (MCOs), and vocational assistance.

¹⁸ Pennsylvania—Decisions of workers' compensation judges are subject to appeal to Workers' Compensation Appeal Board.

¹⁹ South Carolina—Notice of appeal must state grounds for appeal or alleged errors of law.

²⁰ South Dakota—Commission may order payment of portion of award not in dispute.

²¹ Texas—Court of county where employee resided at time of injury or death and court of county where employee resided on the date disability began or any county agreed to by the parties for an occupational disease.

²² Vermont—Then to Supreme Court on exception.

²³ West Virginia—May be extended for cause.

²⁴ Puerto Rico—Also can petition Industrial Commission to reconsider its decision within 20 days.

²⁵ Puerto Rico—On weight of expert.

²⁶ FECA—Employee may request only 1 appeal method at a time. A hearing may be requested before consideration. If reconsideration is requested first, employee loses right to hearing.

²⁷ FECA—No court appeal; board has authority to make final decision on appeals.

²⁸ Longshore Act—First level of appeal is to Benefits Review Board within U.S. Department of Labor. Board may sit in 3-person panels. Panel decision may be reviewed, upon petition, by full board.

²⁹ New Brunswick—Commission may request opinion on question of law or jurisdiction of its own motion.

³⁰ New Brunswick—Because of statutory private clause, a court may only review a decision if it is patently unreasonable.

³¹ Prince Edward Island—Because of statutory private clause, a court may only review a decision on a question of law or jurisdiction.

Chart XVI—Directory of Administrators

Alabama

Workers' Compensation Division
Department of Industrial Relations
Industrial Relations Building
649 Monroe Street
Montgomery, Alabama 36131
(334) 242-2868 (800) 528-5166
www.dir.alabama.gov/wc
Scottie Spates, Administrator

Alaska

Division of Workers' Compensation
Department of Labor & Workforce Development
P.O. Box 25512
Juneau, Alaska 99802-5512
(907) 465-2790
www.state.ak.us/local/akpages/labor
Paul Lisankie, Director

Workers' Compensation Appeals Commission
1016 West 6th Avenue, Suite 405
Anchorage, Alaska 99501
(907) 269-6738
www.labor.state.ak.us/WCcomm.home.htm
Kristen S. Knudsen, Chair

Arizona

Industrial Commission of Arizona
800 West Washington Street
Phoenix, Arizona 85007-2922
(602) 542-4411
www.ica.state.az.us/workers'.htm
Jean Pierre Angelchik, M.D., Chairman

Arkansas

Workers' Compensation Commission
324 Spring Street
P.O. Box 950
Little Rock, Arkansas 72203-0950
(501) 682-3930
www.awcc.state.ar.us
Olan W. Reeves, Chairman

California

Department of Industrial Relations
Division of Workers' Compensation
455 Golden Gate Avenue, 9th Floor
P.O. Box 420603
San Francisco, California 94142-0603
(415) 703-4600
www.dir.ca.gov/dwc
Carrie Nevans, Acting Administrative Director

Workers' Compensation Appeals Board
455 Golden Gate Avenue, 9th Floor
P.O. Box 429459
San Francisco, California 94102
(415) 703-4580
Joseph Miller, Chairman

Colorado

Division of Workers' Compensation
1515 Arapahoe Street
Tower 2, Suite 500
Denver, Colorado 80202
(303) 318-8700
www.coworkforce.com/dwc
Mary Ann Whiteside, Director

Industrial Claims Appeals Office
1515 Arapahoe Street
Denver, Colorado 80202
(303) 318-8131
David Cain, Member
Kathy Dean, Member
Dona Halsey, Member
Robert Socolosky, Member
William Whitacre, Member

Connecticut

Workers' Compensation Commission
21 Oak Street
Hartford, Connecticut 06106
(860) 493-1500
wcc.state.ct.us
John Mastropietro, Chairman

Delaware

Department of Labor
Office of Workers' Compensation
Fox Valley
P.O. Box 9954
Wilmington, Delaware 19809-9954
(302) 761-8200
www.delawareworks.com
John Polk, Chief Hearing Officer
John F. Kirk, Administrator

District of Columbia

Office of Workers' Compensation
64 New York Avenue, N.E.
2nd Floor
Washington, D.C. 20002
(202) 671-1000
does.dc.gov
Charles L. Green, Associate Director

Florida

Division of Workers' Compensation
Department of Financial Services
200 East Gaines Street
Tallahassee, Florida 32399-4220
(850) 413-1600
www.fldfs.com/wc
Tanner Holloman, Director

Georgia

State Board of Workers' Compensation
270 Peachtree Street, NW
Atlanta, Georgia 30303-1299
(404) 656-3875
sbwc.georgia.gov
Carolyn Hall, Chairman
Viola Drew, Director
Larry Smith, Director

Hawaii

Disability Compensation Division
Department of Labor and Industrial Relations
P.O. Box 3769
Honolulu, Hawaii 96812
(808) 586-9151
www.hawaii.gov/labor
Nelson B. Befitel, Director
Gary Hamada, Administrator

Labor and Industrial Relations Appeals Board
830 Punchbowl Street, Room 404
Honolulu, Hawaii 96813
Randall Iwase, Chairman

Idaho

Industrial Commission
317 Main Street
Boise, Idaho 83720
(208) 334-6000
www.state.id.us/iic
Thomas Limbaugh, Commissioner, Chairman
R.D. Maynard, Commissioner
James Kile, Commissioner

Illinois

Illinois Workers' Compensation Commission
100 West Randolph Street, Suite 8-200
Chicago, Illinois 60601
(312) 814-6555
www.iwcc.il.gov
Dennis R. Ruth, Chairman

Indiana

Worker's Compensation Board
402 West Washington Street, Room W196
Indianapolis, Indiana 46204
(317) 232-3808
www.in.gov/workcomp
G. Terrence Coriden, Chairman

Iowa

Division of Workers' Compensation
Iowa Workforce Development
1000 E. Grand Avenue
Des Moines, Iowa 50319
(515) 281-5387
www.iowaworkforce.org/wc
Michael Trier, Workers' Compensation
Commissioner

Kansas

Division of Workers' Compensation
Department of Human Resources
800 SW Jackson Street, Suite 600
Topeka, Kansas 66612-1227
(785) 296-4000
www.dol.ks.gov/wc/html/wc_all.html
Paula Greathouse, Director

Kentucky

Office of Workers' Claims
Prevention Park
657 Chamberlin Ave.
Frankfort, Kentucky 40601
(502) 564-5550
labor.ky.gov/dwc
William P. Emerick, Executive Director

Chart XVI—Directory of Administrators, Cont.

Louisiana

Department of Labor
Office of Workers' Compensation Administration
P.O. Box 94040
Baton Rouge, Louisiana 70804-9040
(225) 342-7561
www.laworks.net
Karen Reiners Winfrey, Assistant Secretary
of Labor/Director of Office of Workers'
Compensation Administration

Maine

Workers' Compensation Board
27 State House Station
Augusta, Maine 04333
(207) 287-3751
www.state.me.us/wcb
Paul R. Dionne, Executive Director

Maryland

Workers' Compensation Commission
10 East Baltimore Street
Baltimore, Maryland 21202-1641
(410) 864-5300
www.wcc.state.md.us
R. Karl Aumann, Chairman
Mary Ahearn, Director of Administration

Massachusetts

Department of Industrial Accidents
600 Washington Street, 7th Floor
Boston, Massachusetts 02111
(617) 727-4900
www.mass.gov/dia
John C. Chapman, Commissioner

Michigan

Workers' Compensation Agency
Department of Labor & Economic Growth
P.O. Box 30016
Lansing, Michigan 48909
(888) 396-5041
www.michigan.gov/wca
Jack A. Nolish, Director

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Lansing, Michigan 48909
(517) 241-9380
Murray Gorchow, Acting Chairperson

Workers' Compensation Appellate Commission
Department of Labor & Economic Growth
P.O. Box 30468
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(517) 373-8020
Martha M. Glaser, Chairperson

Minnesota

Workers' Compensation Division
Department of Labor and Industry
443 Lafayette Road
St. Paul, Minnesota 55155
(651) 284-5000
www.doli.state.mn.us
M. Scott Brener, Commissioner

Office of Administrative Hearings
Workers' Compensation Section
1700 100 Washington Square
Minneapolis, Minnesota 55401
Raymond Krause, Chief Administrative
Law Judge

Workers' Compensation Court of Appeals
25 Constitution Avenue, Suite 405
St. Paul, Minnesota 55155
(651) 296-6526
Tom Johnson, Chief Judge

Mississippi

Workers' Compensation Commission
1428 Lakeland Drive
P.O. Box 5300
Jackson, Mississippi 39296-5300
(601) 987-4200
www.mwcc.state.ms.us

Missouri

Division of Workers' Compensation
Department of Labor and Industrial Relations
3315 West Truman Boulevard
P.O. Box 58
Jefferson City, Missouri 65102
(573) 751-4231
www.dolir.mo.gov/wc
Patricia "Pat" Seacrest, Director

Labor and Industrial Relations
3315 West Truman Boulevard
P.O. Box 599
Jefferson City, Missouri 65102
(573) 751-2461
William F. Ringer, Chair

Montana

State Compensation Insurance Fund
P.O. Box 4759
Helena, Montana 59604-4759
(406) 444-6501
wcc.dli.mt.gov
Lawrence Hubbard, President

Honorable James Jeremiah Shea
P.O. Box 537
Helena, Montana 59624-0537
(406) 444-7794

Honorable Mike McCarter, Judge
Employment Relations Division
P.O. Box 8011
Helena, Montana 59604-8011
(406) 444-1555
Jerry Keck, Administrator
jkeck@mt.gov

Nebraska

Workers' Compensation Court
State Capitol Building
P.O. Box 98908
Lincoln, Nebraska 68509-8908
(402) 471-6468
www.nol.org/workcomp
Honorable Michael K. High, Presiding Judge
Glenn W. Morton, Administrator

Nevada

The Division of Industrial Relations
400 West King Street, Suite 400
Carson City, Nevada 89703
(775) 684-7260
airweb.state.nv.us
Roger Bremner, Administrator

Insurance Division
788 Fairview Drive, Suite 300
Carson City, Nevada 89701
(775) 687-4270
Alice Molasky-Arman, Commissioner

New Hampshire

Department of Labor
Division of Workers' Compensation
State Office Park South
95 Pleasant Court
Concord, New Hampshire 03301
(603) 271-3176
www.labor.state.nh.us
George N. Copadis, Commissioner of Labor
Kathryn J. Barger, Division Director

New Jersey

Department of Labor and Workforce
Development
Division of Workers' Compensation
P.O. Box 381
Trenton, New Jersey 08625-0381
(609) 292-2414
www.nj.gov/labor/wc/wcindex.html
Honorable Peter J. Calderone,
Director and Chief Judge

New Mexico

Workers' Compensation Administration
2410 Centre Street, SE
P.O. Box 27198
Albuquerque, New Mexico 87125-7198
(505) 841-6000
www.state.nm.us/wca
Alan M. Varela, Director

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Workers' Compensation Board
20 Park Street
Albany, New York 12207
(518) 474-6670
www.wcb.state.ny.us
David P. Werner, Chairman

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Industrial Commission
4319 Mail Service Center
Raleigh, North Carolina 27699-4319
(919) 807-2500
www.comp.state.nc.us
Buck Lattimore, Chairman

Chart XVI—Directory of Administrators, Cont.

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Workforce Safety and Insurance
1600 E. Century Avenue, Suite 1
P.O. Box 5585
Bismarck, North Dakota 58506-5585
www.workforcesafety.com
Executive Director and CEO Sandy Blunt

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Bureau of Workers' Compensation
30 West Spring Street
Columbus, Ohio 43266-0581
(614) 466-2950
www.ohiobwcc.com
William E. Mabe, Administrator and CEO

Industrial Commission
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Columbus, Ohio 43266-0581
(614) 466-3010
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Kevin R. Abrams, Member
Patrick J. Gannon, Member

Oklahoma

Oklahoma Workers' Compensation Court
1915 N. Stiles
Oklahoma City, Oklahoma 73105-4918
(405) 522-8600
www.owcc.state.ok.us
Honorable Richard L. Blanchard
Presiding Judge Gene Prigmore
Marcia Davis, Administrator

Oregon

Department of Consumer and Business Services
Workers' Compensation Division
P.O. Box 14480
350 Winter Street NE Room 27
Salem, Oregon 97309-0405
(503) 947-7810 or
In state Toll Free 1 (800) 452-0288
www.cbs.state.or.us
Cory Streisinger, Director
John Shilts, Administrator

Workers' Compensation Board
2601 25th Street SE, Suite 150
Salem, Oregon 97302-1282
(503) 378-3308
www.cbs.state.or.us/wcb
Abigail Herman, Chair
Terry Taylor, Administrative Svcs. Mgr.

Pennsylvania

Bureau of Workers' Compensation
Department of Labor and Industry
1171 South Cameron Street, Room 103
Harrisburg, Pennsylvania 17104-2501
(717) 783-5421
www.state.pa.us, Keyword: workers comp
John T. Kupchinsky, Director

Workers' Compensation Appeal Board
901 North 7th Street, 3rd Floor South
Harrisburg, Pennsylvania 17102-0034
(717) 783-7838
Susan M. McDermott, Chairman

Rhode Island

Department of Labor and Training
Division of Workers' Compensation
P.O. Box 20190
Cranston, Rhode Island 02920-0942
(401) 462-8100
www.dlt.ri.gov/wc
Adelita S. Orefice, Director

Workers' Compensation Court
One Dorrance Plaza
Providence, Rhode Island 02903
(401) 458-5000
George E. Healy, Chief Judge

South Carolina

Workers' Compensation Commission
1612 Marion Street
P.O. Box 1715
Columbia, South Carolina 29202
(803) 737-5700
www.wcc.state.sc.us
David W. Huffstetler, Chairman
Gary R. Thibault, Office of Executive Director

South Dakota

Division of Labor and Management
Department of Labor
Kneip Building, 3rd Floor
700 Governors Drive
Pierre, South Dakota 57501-2277
(605) 773-3681
www.sdjobs.org/dlm/dlm-home.htm
James E. Marsh, Director

Tennessee

Workers' Compensation Division
Department of Labor & Workforce Development
710 James Robertson Parkway
Gateway Plaza, Second Floor
Nashville, Tennessee 37243-0661
(615) 741-2395
(800) 322-2667
www.state.tn.us/labor-wfd
Sue Ann Head, Administrator

Texas

Texas Department of Insurance Division of
Workers' Compensation
7551 Metro Center Drive
Austin, Texas 78744-1609
(512) 804-4000
www.tdi.state.tx.us
Albert Betts, Commissioner

Utah

Labor Commission
P.O. Box 146600
Salt Lake City, Utah 84114-6600
(801) 530-6800
www.ind-com.state.ut.us/indacc.htm
R. Lee Ellertson, Chairman
Joyce A. Sewell, Director

Vermont

Department of Labor and Industry
National Life Building, Drawer 20
Montpelier, Vermont 05620-3401
(802) 828-2286
www.state.vt.us/labind
Laura Collins, Commissioner

Virginia

Workers' Compensation Commission
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Richmond, Virginia 23220
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www.vwc.state.va.us
Virginia R. Diamond, Commissioner
Lawrence D. Tarr, Chairman
William L. Dudley, Jr., Commissioner

Washington

Department of Labor and Industries
7273 Linderson Way, SW
P.O. Box 44001
Olympia, Washington 98504-4001
(360) 902-4200
www.lni.wa.gov
Gary Weeks, Director

Board of Industrial Insurance Appeals
2430 Chandler Court, SW
P.O. Box 42401
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Thomas E. Egan, Chairperson

West Virginia

Bureau of Employment Programs
Workers' Compensation Division
4700 Mac Corkle Avenue, SE
Executive Offices
Charleston, West Virginia 25304
(304) 926-5048
www.state.wv.us/bep/wc
Robert J. Smith, Commissioner

Workers' Compensation Appeal Board
104 Dee Drive
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Charleston, West Virginia 25329
(304) 558-5230
Charles S. Donnelly, Chairman

Wisconsin

Workers' Compensation Division
Department of Workforce Development
201 East Washington Avenue, Room C100
P.O. Box 7901
Madison, Wisconsin 53707-7901
(608) 266-1340
www.dwd.state.wi.us/wc
Frances Huntley-Cooper, Administrator

Labor and Industry Review Commission
P.O. Box 8126
Madison, Wisconsin 53708
(608) 266-9820
James Flynn, Chairperson

Wyoming

Department of Employment
Workers' Safety and Compensation
Cheyenne Business Center
1510 E. Pershing Blvd.
Cheyenne, Wyoming 82002
(307) 777-7159
wydoe.state.wy.us/wscd
Gary Child, Administrator

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American Samoa

Workmen's Compensation Commission
Office of the Governor
Pago Pago, American Samoa 96799
(684) 633-4485
www.government.as
Violet P. Richmond, Commissioner
Mr. Puni Penei Sewell, Director

Guam

Workers' Compensation Commission
Department of Labor
P.O. Box 9970
Tamuning, Guam 96931-9970
(671) 475-7033
guamwcc@yahoo.com
David G. Dell-isola, Director of Labor and
Ex-Officio Commissioner
Rolando P. Zabala, Deputy Director and
Acting Employment Program Administrator

Puerto Rico

Industrial Commission of Puerto Rico
P.O. Box 364466
San Juan, Puerto Rico 00936-4466
(787) 273-1307
Laura I. Santa Sánchez, Executive Director

Virgin Islands

Department of Labor
Workers' Compensation Administration
302 King Street
Fredriksted, St. Croix, Virgin Islands 00840
(340) 692-9390

54 A&B Kronprindsens Gade
Charlotte Amalie, St. Thomas,
Virgin Islands 00802
(340) 776-3700
www.vidol.gov
Roberta Sebastian, Director

FECA

Division of Federal Employees Compensation
U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210
(866) 692-7487
www.dol.gov/esa/regs/compliance/owcp/fecacont.htm
Douglas C. Fitzgerald, Director

Longshore Act

Division of Longshore and Harbor Workers' Compensation
U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210
(202) 693-0038
www.dol.gov/esa/owcp/dlhwc/istable.htm
Michael Niss, Director

Alberta

Workers' Compensation Board
9925 107th Street
P.O. Box 2415
Edmonton, Alberta T5J 2S5
(780) 498-3999
www.wcb.ab.ca
Guy Kerr, President and CEO

British Columbia

Workers' Compensation Board
P.O. Box 5350, Stn Terminal
Vancouver, British Columbia V6B 5L5
(604) 273-2266
www.worksafebc.com
Douglas Enns, Chair Board of Directors
David Anderson, President and CEO

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30 West Spring Street
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(614) 466-2950
www.ohiobwc.com
William E. Mabe, Administrator and CEO

Industrial Commission

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Columbus, Ohio 43266-0581
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William E. Thompson, Chairman
Kevin R. Abrams, Member
Patrick J. Gannon, Member

New Brunswick

Workplace Health, Safety and Compensation
Commission
1 Portland Street
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Saint John, New Brunswick E2L 3X9
(506) 632-2200
www.whscc.nb.ca
Douglas C. Stanley, President and CEO

Newfoundland and Labrador

Workplace Health, Safety & Compensation
Commission
P.O. Box 9000
St. John's, Newfoundland A1A 3B8
(709) 778-1000
www.whscc.nf.ca
Joseph O'Neill, CEO

Northwest Territories and Nunavut

Workers' Compensation Board of the Northwest
Territories and Nunavut
P.O. Box 8888
Yellowknife, NT X1A 2R3
(867) 920-3888
www.wcb.nt.ca/default.asp
Denny Rodgers, Chairperson

Nova Scotia

Workers' Compensation Board
5668 South Street
P.O. Box 1150
Halifax, Nova Scotia B3J 2Y2
(902) 491-8999
www.wcb.ns.ca
Nancy MacCready Williams, CEO
Louis Comeau, Chair

Workers' Compensation Appeal Tribunal

5151 Terminal Road
Ground Floor
P.O. Box 893
Halifax, Nova Scotia B3J 2V9
(902) 424-2250
Louanne Labelle, Chief Appeals Commissioner

Ontario

Workplace Safety and Insurance Board
200 Front Street W.
Toronto, Ontario M5V 3J1
(416) 344-1000
www.wsib.on.ca
Jill Hutcheon, Interim Chair and President

Prince Edward Island

Workers' Compensation Board
14 Weymouth Street, P.O. Box 757
Charlottetown, Prince Edward Island C1A 7L7
(902) 368-5680
www.wcb.pe.ca
Carol Anne Duffy, CEO and Board Secretary
George MacDonald, Chairman

Québec

Commission de la santé et de la
sécurité du travail
524, rue Bourdages
C.P. 1200, Terminus postale
Québec G1K 7E2
(418) 266-4414
www.csst.qc.ca
Gérard Bibeau, Chairman and CEO

Saskatchewan

Workers' Compensation Board
1881 Scarth Street
Regina, Saskatchewan S4P 4L1
(306) 787-4370
Fax: (306) 787-7582
www.wcbask.com
John Solomon, Chairman
Peter Federko, CEO

Yukon Territory

Workers' Compensation Health and
Safety Board
401 Strickland Street
Whitehorse, Yukon Y1A 5N8
(867) 667-5645
(800) 661-0443
www.wcb.yk.ca
Craig Tuton, Chair
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Canadian Merchant Seamen's Act

Secretary, Merchant Seamen Compensation
Board
Human Resources Development Canada—
Labour
Phase II, Place du Portage, 10th floor
Hull, Québec
K1A 0J2
Tel.: (819) 997-2371
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Abbreviations and Computations

Abbreviations

AAOO	American Academy of Ophthalmology and Otolaryngology	ISO	International Organization for Standardization
AIW	Average Industrial Wage	MMI	Maximum Medical Improvement
ALJ	Administrative Law Judge	MCO	Managed Care Organization
AMA	American Medical Association	NAWW	National Average Weekly Wage
ANSI	American National Standards Institute	OWCP	Office of Workers' Compensation Programs, U.S. Department of Labor
ASA	American Standards Association	OP	Occupational Pneumoconiosis
AWW	Worker's Average Weekly Wage	PMI	Permanent Medical Impairment
CMSCA	Canadian Merchant Seamen's Compensation Act	PP	Permanent Partial Disability
COLA	Cost-of-Living Adjustment	PT	Permanent Total Disability
CPI	Consumer Price Index	SAMW	State Average Monthly Wage
CPP	Canadian Pension Plan	SAWW	State Average Weekly Wage
EDI	Electronic Data Interchange	TP	Temporary Partial Disability
FECA	Federal Employees' Compensation Act	TPR	Temporary Partial Rehabilitation
IME	Independent Medical Exam	TT	Temporary Total Disability
		WPI	Whole Person Impairment

Computations—Monthly to Weekly

All benefits payable other than on a weekly basis have been converted to an equivalent weekly rate. There are several methods of conversion in use, which may cause slight differences in results. The *Analysis* attempts to follow the practice of the jurisdiction wherever possible.

1. A method widely used in Canada is to multiply the monthly benefit by 12, divide by 365, and multiply the result by 7.
Example for a monthly benefit of \$750:

$$\frac{\$750 \times 12}{365} \times 7 = \$172.60$$

2. A second method is to multiply the monthly benefit by 12 and divide by 52.

$$\frac{\$750 \times 12}{52} = \$173.08$$

3. A third method is to divide the monthly benefit by 4.3 or a similar figure, because the average month contains 4.33 weeks.

$$\frac{\$750}{4.3} = \$174.42$$

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Next Edition of the *Analysis*


A complete revision of this publication is printed annually. The 2007 edition will be available in June 2007. It will reflect changes made in workers' compensation laws effective January 1, 2007.


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EXHIBIT 12a

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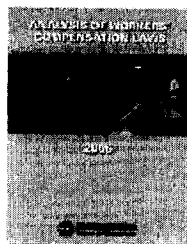
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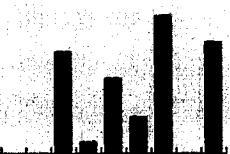
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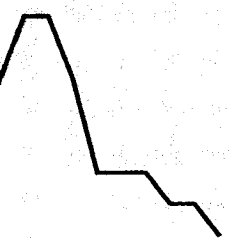
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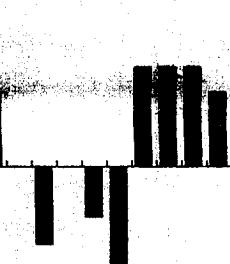
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Source: Census Bureau

BUSINESS INVENTORIES



Source: Census Bureau

FIGHTING FOR TRANSPORTATION Standstill in Congress Threatens America's Mobility

Few things affect our quality of life more than our transportation system. Americans require a well-maintained, environmentally friendly transportation network to help ensure their personal safety on the highways, operate efficient and profitable businesses, protect the environment, and provide freedom of mobility.

Unfortunately, our transportation network is under increasing strain. Congestion is driving up transportation costs, not to mention robbing us of time with our families.

Aging roadways are crumbling, compromising our safety. America's transportation system needs help, and it needs it now.

The U.S. Chamber-led Americans for Transportation Mobility (ATM) coalition is leaving no stone unturned in its effort to increase investment in federal highway spending, ensure that all money collected from gas taxes and other fees is spent on transportation, and speed improvement projects by reducing regulatory red tape.

At issue is the reauthorization of the Transportation Equity Act for the 21st Century, or TEA-21, which authorizes surface transportation spending for a six-year period. TEA-21 expired last fall, but Congress has temporarily funded the

program as various long-term proposals are considered.

ATM—a coalition of more than 400 local chambers and governments, businesses, associations, and labor unions—

is conducting a comprehensive media, grassroots, and public relations campaign to break the TEA-21 impasse. Its strategies in support of TEA-21 passage include radio and print advertising, radio media tours, phone banks to energize grassroots support, opinion pieces in local newspapers, press events with members of Congress, and ongoing lobbying of the White House and key members of Congress.

ATM's goals for this year are fourfold. **First, ensure no interruption in the program.** Allowing so would force layoffs and stall projects that are necessary for keeping goods and people moving.

Second, protect the integrity of the trust fund. Currently, some highway trust fund money is diverted to noninfrastructure activities, such as mitigating storm water pollution.

Continued on page 9

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Source: Portland Press Herald






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Source: Las Vegas Sun

CAPITAL ROUNDUP

Chamber Pushes Highway Funding

BILL NAME	SUMMARY OF BILL AND WHAT IT MEANS TO YOU	U.S. CHAMBER'S POSITION	STATUS
Class Action Reform H.R. 1115/S. 2062 The Class Action Fairness Act of 2004	These bills would protect businesses and consumers from abusive practices of trial lawyers by making it easier to move multi-state class action lawsuits from state to federal courts, thus preventing widespread venue shopping by trial lawyers. They would also prohibit settlements in which class members lose money after paying attorneys' fees or receive coupons of little or no value.	The U.S. Chamber and the Chamber's Institute for Legal Reform (ILR) support compromise legislation and are working hard to get a bill through the Senate.	 Passed by the Senate on July 2, 2003. Awaiting action in the House.
Pension Reform H.R. 3108 Pension Funding Equity Act of 2003	This legislation permits corporations with defined pension plans to use a more realistic composite of corporate bond rates in place of the outmoded benchmark 30-year Treasury bond for pension calculation purposes. The Senate version includes special waivers of accelerated payments and relief for multi-employer plans. Some of these provisions are opposed by the Bush administration.	The Chamber supports permanently replacing the 30-year Treasury rate with a composite corporate bond rate so that companies are not overfunding their pension programs.	 Scheduled for consideration.
Medical Liability Reform H.R. 5/S. 2061 Help Efficient, Accessible, Low-Cost, Timely Healthcare Act of 2003 Healthy Mothers and Healthy Babies Act of 2003	This legislation takes significant steps toward stabilizing the medical liability system and safeguarding patients' access to care while containing skyrocketing health care costs. The Senate bill specifically targets the excessive burden on obstetrical and gynecological services.	The U.S. Chamber strongly supports meaningful medical liability reform that would make health care more affordable by reducing medical liability insurance premiums and frivolous lawsuits.	 House passed the bill on March 12, 2003; Senate motion to debate on the bill has been made.

Information is current as of press time. For the very latest, go to www.uschamber.com/government.

STATUS LEGEND:



Icons denote current status of bills; the text below the icon denotes last action completed by Congress.

YOUR CORNER

Standing Up to Foreign Competitors The World Depends on the United States

Perhaps you've heard the saying, "When the American economy sneezes, the world catches a cold." In short, the global economy is highly dependent on our economic success. When I travel abroad, I'm bombarded with questions about our economy—along with more than a few criticisms and suggestions on how to improve it. The global community's fixation on U.S. economic conditions was on full display at the recent World Economic Forum in Davos, Switzerland, an annual gathering of heads of state and the world's top business leaders.

European government and business leaders expressed concern over the growing U.S. budget deficit. Although Congress should show restraint when it comes to government spending, I pointed out to European investors that the U.S. budget deficit as a percentage of GDP is still less than that of Europe's strongest economies.

Also, the Europeans complained about the rising value of the euro against the dollar. I pointed out that Europeans

were delighted when the dollar was strong because it helped their exports. Yet now they are complaining about a depreciated dollar because it helps us.

For the sake of our own citizens and those around the world whose livelihoods depend on a strong U.S. economy, we must continue to spur growth through open trade, new investments in infrastructure, and legal, regulatory, and tax reform. But other nations must put their own economic houses in order. Simply waiting for—or blaming—the United States won't pay the bills.



Thomas J. Donohue
President and CEO
U.S. Chamber of Commerce



FACE-OFF

Will Bush's Immigration Plan Work? Senator, Representative Take Sides

Senator McCain
Commerce, Science & Transportation Committee

Our nation's immigration system is broken. Today, an estimated 8 million to 10 million people live in the shadows of American society. Every year, hundreds of thousands of people risk their lives crossing the borders to come into this country and work in low-skilled jobs that our economy depends on. The Border Patrol estimates that close to 2,000 people have died crossing the borders since 1998. Last year, more than 200 people lost their lives crossing the desert into Arizona. This is not

only an issue of life and death along the Southwestern border, but it also is a security concern that affects every American. In January, President Bush returned to the immigration debate. His principles for comprehensive immigration reform represent a meaningful starting point from which we can build a national consensus.

But Bush proposed a market-based system, the legislation I introduced last summer with Rep. Ed Pastor and Flake, that pairs willing workers with employers. Such a system would serve to meet the needs of the U.S. economy without disadvantaging the domestic workforce. Aimed at improving our security, this system would move the current shadow workforce from isolated parts of the border to monitored areas. The proposal also addresses the current undocumented population, providing a process by which they can come out of the shadows without fear. Comprehensive immigration reform must come from the president's leadership and support will be needed to engage the nation in a dialogue on immigration and spur needed congressional action. The time

Rep. Ed Pastor (D-AZ)
Member, Appropriations Committee

President Bush's proposal to create a guest worker program recognizes the serious flaws in our nation's current immigration policy. The proposal addresses some of the discrepancies between the demand for immigrant labor and legal immigration limits and may allow future immigrants to avoid the shadow workforce of the undocumented, thereby enhancing national security and workers rights, stabilizing the labor force, and preventing unnecessary deaths at our borders.

Unfortunately, the president's proposal is missing an essential element. Creating a temporary guest worker program without providing a means of legal permanent residence for those who have long lived and worked in this country leaves a large part of the problem unresolved.

Millions of undocumented immigrants have lived here for decades, holding down jobs, paying taxes, and raising families. Many came as children or teenagers and know no other country. They will not come out of the shadows—identify and register themselves—only to be subject to deportation and family separation in three years when their guest worker visa has expired. Without a chance at legal permanent residence, these workers will remain below the radar of regulation, and the problems associated with an undocumented workforce will remain unaddressed.

Immigration reform must be complete to be effective, and earned permanent residency for current workers is an essential and just component of reform. Immigrants who have worked in this country for considerable time and have no criminal record deserve a path toward citizenship and full participation in the communities they call home. This is an important gap in the president's proposal and one that Congress must fill.



www.house.gov/pastor

QUIPS

Heard In and
The U.S. Chamber

"The U.S. Chamber of Commerce plans to launch an aggressive campaign to defeat state and federal candidates [this year] who oppose its pro-industry agenda."

February 2004

"When the House of Representatives reconvenes, the Class Action Fairness Act, championed by the U.S. Chamber of Commerce, will be at the top of the Senate's agenda. Although passage remains uncertain, three Democrats who previously opposed the bill now say they support a revised version."

—The Kansas City Star
February 2004

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CHAMBER OF COMMERCE
OF THE UNITED STATES



T U R E

Over to Regs



After beating back union attempts to derail modernization of the rules governing overtime eligibility for white-collar workers, the U.S. Chamber is continuing to press for clearer and simpler regulations.

"The Chamber remains committed in its support for rule changes because the current regulations simply do not work and are difficult to implement," says Michael Eastman, director of labor policy at the Chamber. "The proposed changes, while not perfect, are a step in the right direction."

The Department of Labor's revised rules would make it easier for employers to determine which white-collar workers are eligible for overtime. In addition, they would prevent trial lawyers from exploiting the confusion surrounding current regulations to land outrageous settlements for highly skilled and highly paid white-collar workers looking to take advantage of the system.

Unions and their allies in Congress, however, are redoubling their efforts to stop the rules.

Union members have already submitted tens of thousands of comments—and many more letters—arguing for many revisions. Several bills are threatening to kill amendments killing the reform effort to popularize "pass" pieces of legislation. Some lawmakers have even threatened to use the Congressional Review Act, which allows Congress to overturn regulations.

The Chamber will remain steadfast in its support for modernization of the rules that would clearly and fairly determine overtime eligibility.

For more information, go to www.uschamber.com/government/issues/labor/overlabor.htm.

G U E S T C O L U M N

By Rep. Kay Granger (R-TX)

Tax Credits for Health Care Premiums SAVE Act Could Mean Savings for Your Business

Many of you know that the U.S. Chamber has made access to affordable health care coverage a top priority for Congress to address this year.

As a member of the Coalition for Affordable Health Coverage, the Chamber has worked with me to develop a comprehensive piece of legislation that many experts have said will reduce the number of uninsured by as much as 80%. This legislation is called the SAVE Health Care Act (H.R. 1236).

The SAVE Act provides an up-front tax credit for the purchase of health insurance premiums. The base credit is \$1,000 per individual up to \$3,000 for a family of four. While there are other similar proposals, this is what makes the SAVE Act unique: On top of the base credit, my bill gives an additional 50% tax credit for the cost of the remaining premium and provides a credit for those who get their insurance through their employer.

On March 12, 2003, I introduced the SAVE Health Care Act along with my good friends Albert Wynn (D-MD) and Nancy Johnson (R-CT), chairwoman of the Ways and Means Health Subcommittee. Today, we have 38 co-sponsors, but we desperately need more to get this legislation moving before the end of the 108th Congress.

This is how you, as a member of the U.S. Chamber, can help: Contact your member of Congress today and request that he or she becomes a co-sponsor of the SAVE Act (H.R. 1236). Grassroots support from members of the U.S. Chamber will be invaluable to my effort to get this important legislation passed.

Rep. Kay Granger is a member of the Appropriations Committee and the Select Committee on Homeland Security. Her Web site is www.house.gov/granger.

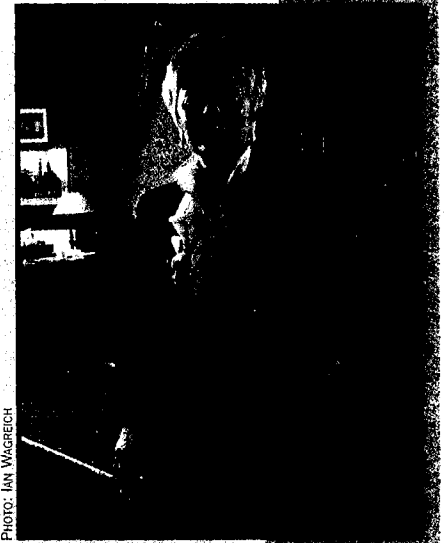


PHOTO: IAN WAGRECH

F E A T U R E

Workforce Training Takes Center Stage Chamber Steps Up Efforts to Assist Businesses

Heeding President Bush's call to help community colleges train students and retrain workers, the U.S. Chamber's Center for Workforce Preparation (CWP) is actively developing a comprehensive guide for community colleges and chambers to create effective workforce development partnerships.

Through regional forums with community colleges, public workforce systems, and businesses, CWP is creating a national dialogue on shared workforce priorities that highlight relevant models of market-responsive community colleges. The guide will capture these models of promising practices from across the country to help communities generate market-responsive strategies that meet their labor needs.

The overall goal is simple—helping America's small businesses become more competitive by providing them with skilled workers trained to meet the work challenges of our modern economy.

"Community colleges can use technology to provide distance learning and training at a fraction of what it would cost employers to develop in-house programs to upgrade employee skills," says

CWP Executive Director Beth B. Buehlmann. In the process, the initiative will reshape the image of community colleges and recognize them as valuable resources for training and retraining a modern workforce.

"Considering that only 20% of American workers have the skills needed to fill new jobs and that 75% of current employees need additional training just to keep their current jobs, investing in community colleges to provide workforce training makes good sense," Buehlmann adds.

The Center for Workforce Preparation is conducting this initiative in conjunction with the American Association of Community Colleges, with funding from the U.S. Department of Labor.

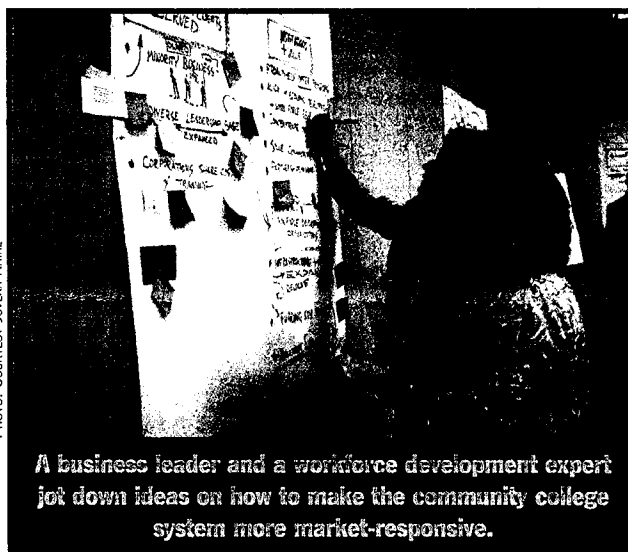


PHOTO: COURTESY JOYENA NAVAL

A business leader and a workforce development expert jot down ideas on how to make the community college system more market-responsive.

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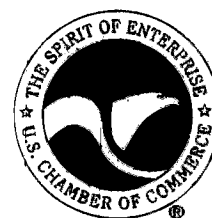
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USCC 54282



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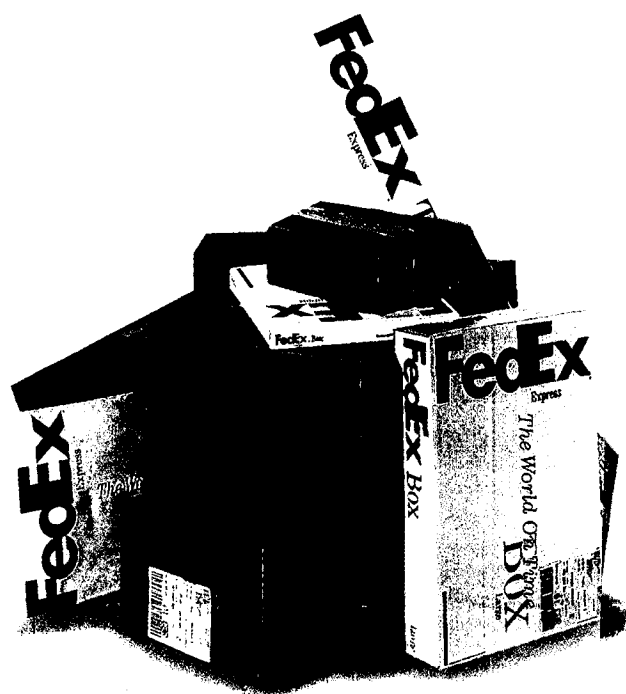
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USCC 54283

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Chamber's Online Small Business Tax Center Open

It's tax time, and we want to make sure that you're prepared. In the spirit of filing and tax day itself, we've created a special tax section, uschamber.com/sb/tax, for the online Small Business Center (SBC) to address what could be some of your more immediate concerns:

Feature Articles on Taxes. If there's tax news, you'll find it in the Small Business Tax Center.

Business Tax Planner. Owning a business can actually reduce your tax bill. Read up on the rules, strategies, and limits on how far you can go to save money.

Personal Tax Planner. Keeping your business taxes down is the best way to keep your overall tax bill as low as possible. Just don't neglect the personal part of your tax return.

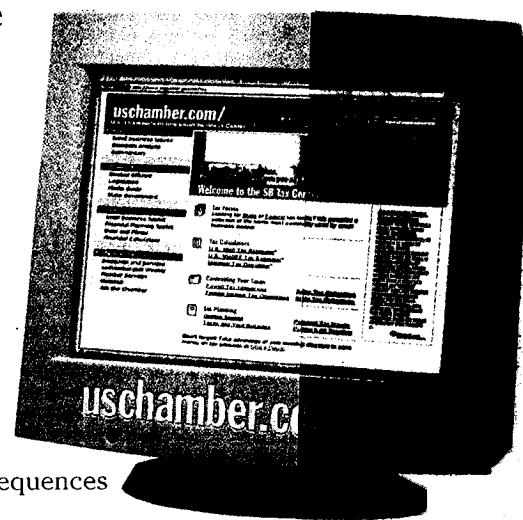
Business Deductions. Claim all the deductions you've got coming this year. Learn to spot deduction opportunities in order to take advantage of them in the future.

Federal and State Tax Forms. Forms and publications most commonly used by small business owners when filing taxes with the IRS or contracting with the federal government are in the Small Business Tax Center.

Tax Calculators. Passage of the Jobs and Growth Tax Relief Reconciliation Act of 2003 will affect almost every U.S. taxpayer. Use the calculators to estimate the amount of your refund or the payment you owe.

Filing Deadlines. Is your company a sole proprietorship? Partnership? LLC? Corporation? There are significant income tax consequences that flow from each.

It's better to be safe than sorry. Check out all the tax information we have for you at uschamber.com/sb/tax. And be sure to consult the IRS or a reputable tax advisor if you have questions.



The following is a sample of the material in the Chamber's Small Business Tax Center:

Avoiding Tax Audits and What to Expect if You Are Audited

Two things that you should keep in mind about audits: (1) If you do your homework, keep good records, and your return is truthful, you have nothing to worry about, and (2) It's better not to be audited.

First, let's talk about the second point. The average taxpayer has a very small chance of being audited. But if you are self-employed, your return is definitely not typical of the millions of returns filed by employees. You may be waving some red flags at the IRS and increasing your chances of being audited.

The IRS does not provide details on its audit criteria—in fact, they are a closely guarded secret. However, we offer the following suggestions for minimizing your risk:

Check for Accuracy. Make sure that the information provided on any W-2 forms you receive from employers—and 1099s or 1098s you receive as an independent contractor or from banks, mutual funds, brokerages, retirement plans, or any other source—are accurately reflected on your return. If there is a mistake, get the issuer of the form to correct it. The IRS computer matches these figures with the figures on your return, and it will question any mismatch. If you have many of these forms, report each one separately somewhere on your tax return, or on a separate schedule that you attach to the return. The computer will not catch it if you lump the numbers together.

Explain Unusual Items. If you are claiming an unusual deduction or there is something confusing on your return, attach a written explanation. Any statements should be as brief and to the point as possible—don't ramble or provide essential details.

Keep Good Records. If you are claiming home office expenses or significant travel or entertainment expenses, make sure you have the records. The IRS scrutinizes these expenses very carefully. The same is true of all business expenses if you haven't yet established a track record, and especially if your business is not profitable.

Sign Your Return. Fill out all the information required. For example, it's common to omit the Social Security number of an ex-spouse from a return, but you are required to supply it if you are paying alimony.

Make Sure Your Return Is Complete. Make sure your math is correct. Arithmetic errors are the most common errors found by the IRS. If you are doing your own return with a calculator, after you've done all the computations, we suggest you start at the amount of your refund (or tax you owe) and work backwards to check your work (e.g., add back your payments, subtract your other taxes, and add back your credits to see whether you arrive at the same amount, continue in this vein for the rest of the return).

Review Dependents' Social Security Numbers. Make sure that all Social Security numbers for your dependents are correct.

What to Expect If You Are Audited

The IRS has several different levels of audits. If questions arise about your math, items seem to be omitted from your return, or your figures don't match those on your W-2s, 1099s, or 1098s, the IRS may simply request a correction or explanation by mail. Respond to the request as quickly as possible and, if you have doubts about the answer, consult your tax professional if you have one.

The first level of inquiry that can truly be considered an "audit" occurs when you get a letter requesting that you come into the IRS office to review one or more areas on your return. This is a true audit because the IRS is asking for proof of items on your return that go beyond your word. If you have kept records, including bills, receipts, and canceled checks, you shouldn't worry. The IRS may end up interpreting your situation differently than you, but there is no crime in having differences of opinion. Nevertheless, professional help may be in order with an office audit, particularly if you yourself suspect that there are errors or omissions in your tax return.

If you're in the middle of an audit and find that you are missing some records or need to consult an expert, you can stop the audit and reschedule it for a later date. And, if you run into difficulties conducting the audit, you can ask to speak to his or her supervisor.

If you disagree with the ultimate results of the audit, there are numerous avenues of appeal that you can pursue. However, at that point, it's best that you talk to a tax professional to gauge the likelihood of the best strategy to use in your particular case. For more information, see free Publication 556, Examination of Returns, Appeal Rights and Refund, available by calling 1-800-TAX-FORM.

As rare as audits are, the dreaded knock on the door from the IRS is even rarer. Individuals are almost never audited in this way. "Audits" are used mainly for larger businesses, particularly very profitable ones. If you do get a notice of a field audit, professional help is recommended.

To make sure an audit isn't in your future, check out the new online Small Business Tax Center—uschamber.com/sb/tax—which provides a glimpse of all the tax information and services.

This article is designed to provide accurate and authoritative information in regard to the subject matter covered. It is published with the understanding that the publisher is not engaged in rendering legal or other expert assistance. If legal advice or other expert assistance is required, a competent professional should be sought.

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USCC 54284

Chamber Launches Fight Against Counterfeiting

Cites Need for Coordinated Effort

Every day, millions of consumers and businesses unknowingly purchase counterfeit or pirated products—pharmaceuticals, automobile parts, software, movies and music, baby food, and personal hygiene products. Though counterfeit goods often cost less than the real thing, the price they exact on society is tremendous.

Phony goods and intellectual property (IP) theft are endangering the safety of consumers, eroding brand strength, draining the economy of jobs and opportunities for growth, and even enriching organized crime and terrorist organizations.

As one of its biggest initiatives for 2004, the U.S. Chamber is building a coalition to educate businesses—especially small businesses—lawmakers, and the media on the pervasiveness and impact of counterfeiting and IP theft and to curb the global trading of fake products.

In February, industry leaders huddled at the Chamber for a roundtable dinner and half-day conference designed to identify the extent of counterfeiting and IP theft and to map out a strategy for fighting it. "Intellectual property theft and counterfeiting represent a compelling threat to the United States and to the global economy," said William Little, chairman of the National Chamber Foundation (NCF), the organizer of the meeting. Little told conference participants that there are three major reasons why businesses must direct their attention to these threats. "First, there is widespread and continued frustration regarding the growth of IP theft and counterfeiting. Second, there is a continued perception that the problem is a victimless crime. And finally, the problem is global in nature and needs global attention and action."

Small Businesses Are Among the Victims

Counterfeiting and IP theft are becoming more sophisticated, more common, and more global, observers pointed out. In 1982, piracy and counterfeiting amounted to approximately \$5.5 billion annually. Two decades later that figure rose to nearly \$500 billion and currently hovers at an estimated \$750 billion, said Kevin O'Brien, a partner in the law firm of Baker & McKenzie. According to Craig Kramer, executive director of international government affairs at Johnson & Johnson, "Such escalation shows clearly that in less than a decade counterfeiting has gone from low tech to high tech, low investment to high investment, and consequently from a small plant operation to full-fledged manufacturing plants."

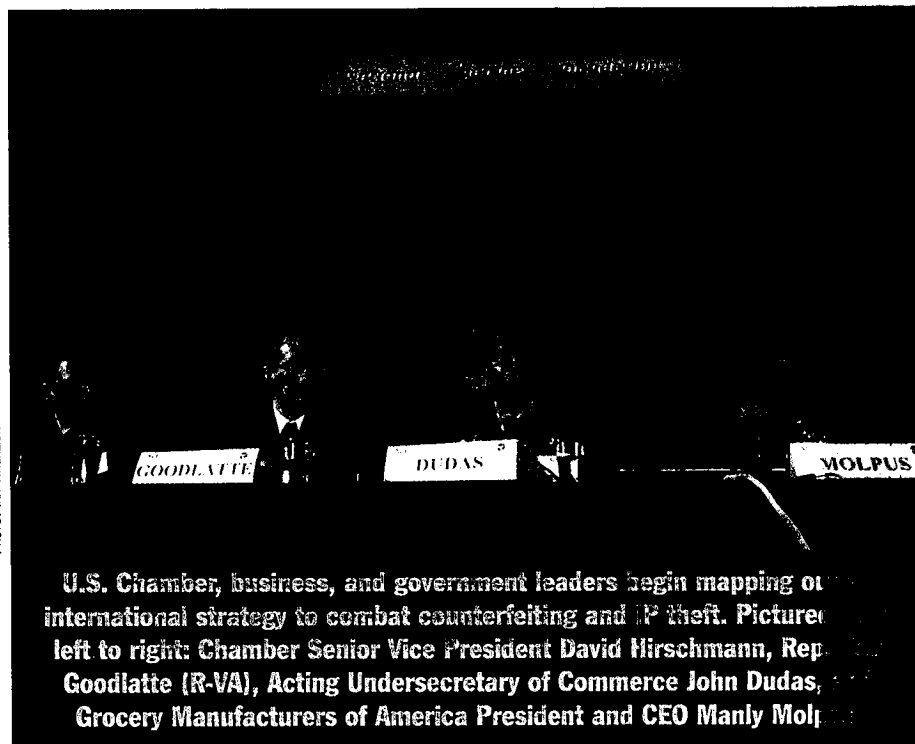
In short, the problem has changed considerably since the first data were compiled. New technology has made counterfeiting easier. And new technology has itself become an object of prey. Just look at the music industry for startling evidence.

Less than five years ago, sales in that industry were approaching record levels. One source indicated, "The music industry is nearly paralyzed by piracy... at least partially responsible for a loss of \$2.6 billion in worldwide music revenues." These advances have made fakes harder to detect. "It is nearly impos-

"Intellectual property theft and counterfeiting represent a compelling threat to the United States and to the global economy."

—William Little, Chairman, National Chamber Foundation

USCC 54285



U.S. Chamber, business, and government leaders begin mapping out international strategy to combat counterfeiting and IP theft. Picture left to right: Chamber Senior Vice President David Hirschmann, Rep. Goodlatte (R-VA), Acting Undersecretary of Commerce John Dudas, Grocery Manufacturers of America President and CEO Manly Moly.

sible for the untrained eye to recognize the difference between fake and real packs of cigarettes just by looking at them," said Jack Holleran, senior vice president, Philip Morris, USA, Inc.

Counterfeiting and IP theft have become so common that they have blended seamlessly into the global trading system, taking a tremendous toll on U.S. businesses, both small and large. In 2002, U.S. companies suffered \$9 billion in trade losses due to international copyright piracy.

Each year, product counterfeiting results in the loss of 750,000 American jobs. The Federal Trade Commission estimates that the eradication of counterfeit auto parts would create 200,000 new jobs in the U.S. auto industry alone. Another study of just software products shows that a 10-point reduction in worldwide piracy rates could add \$400 billion to the global economy, generating 1.5 million jobs and \$64 billion in tax dollars.

Though global in scope, counterfeiting and IP theft perhaps fall

Against Counterfeiting and Piracy

Effort to Combat Global Problem

the shoulders of small businesses. Small firms that stock their shelves with fake products or unknowingly distribute phony goods are at great risk of losing customer trust. Further, small businesses—as the primary engines of product and service innovation in the U.S. economy—can be financially devastated when their innovations are immediately copied or reproduced illegally and distributed. Small businesses are the “human faces of the problem” because a “30% product or sales loss can destroy a legitimate operation, meaning ultimately the loss of investment, innovation, and jobs,” said Deputy U.S. Trade Representative Josette Shiner.

Your Health and Security Are at Stake

More than dollars and jobs are involved. “Perhaps, most importantly, counterfeiting leads directly to human suffering, even death,” said James Kilts, chairman, president, and CEO of the Gillette Corporation. “Every day, thousands of sick people are not getting better because they are taking counterfeit drugs that do nothing for them.” Worse, they take something that leads to death, he said, citing cases of children in Nigeria who died after being given cough syrup that was actually antifreeze.

Johnson & Johnson’s Kramer cited an increase of 1,000% over the past five years in counterfeit cases involving product biologics (injected medicines and pills), implanted medical products, and fake contraceptives. This kind of counterfeiting has resulted in dramatic increases in aggravated illnesses and deaths, he added.

Counterfeiting and IP theft also have severe consequences for homeland and national security, as terrorist organizations around the world have resorted to counterfeiting and piracy to fund their activities. “Counterfeiting has become the most profitable method of funding terrorism, in part because it is easier than dealing drugs and is often viewed as a victimless crime,” said John Dudas, acting undersecretary of commerce for intellectual property and acting director of the U.S. Patent and Trademark Office. Said Gillette’s Kilts, “We also know that ... terrorist groups use the sale of counterfeit goods to raise money for illegal activities. Seized Al Qaeda training manuals recommend the sale of fake goods as a financing source.”

A Unified Front

Few global challenges have such deeply rooted and pervasive economic, safety, and security implications as do counterfeiting and IP theft. What can we do to stop it—or even just curtail it?

A group of lawmakers last year started the Congressional International Anti-Piracy Caucus because of concerns over consumer health and safety. The U.S. government is expanding its efforts to work more closely with trading partners known for counterfeiting and IP theft activities. China’s recent entry into

the World Trade Organization (WTO), for example, gives the United States new and better opportunities to work on counterfeiting and piracy issues.

In addition, the WTO agreement negotiated during the 1986–1994 Uruguay Round introduced IP rules into the multilateral trading system for the first time. And some industries have given anti-counterfeiting and IP theft high priority while business coalitions designed to fight counterfeiting and IP theft have sprouted.

Yet there still is not a global and coordinated effort to deal with the issue, and that is why the Chamber launched its global anti-counterfeiting campaign. “If we fail to develop and execute programs designed to combat the existing threat, the problem will grow, resulting in products that are less reliable, more dangerous, and harder to identify,” said NCF Chairman Little.

Observers agree that the extent of IP theft and counterfeiting defies simple resolution, certainly by any one group. Instead, nothing short of a concerted, unified effort by all the players—international businesses and governments, consumers, labor unions, and U.S. businesses both small and large—will stem the tide of fake goods and stolen intellectual property.

“Business, government, and labor must develop messages aimed at educating countries and consumers, and a key element of those messages should be that combating piracy and counterfeiting is in everyone’s best interests,” said Manly Molpus, president and CEO of the

Grocery Manufacturers of America. “We have the message, but we need to get that message out,” he added.

Said Dudas, “We need the active involvement of the private sector. Government cannot do it alone. Piracy and counterfeiting of products today are dramatically different from even 10 years ago.”

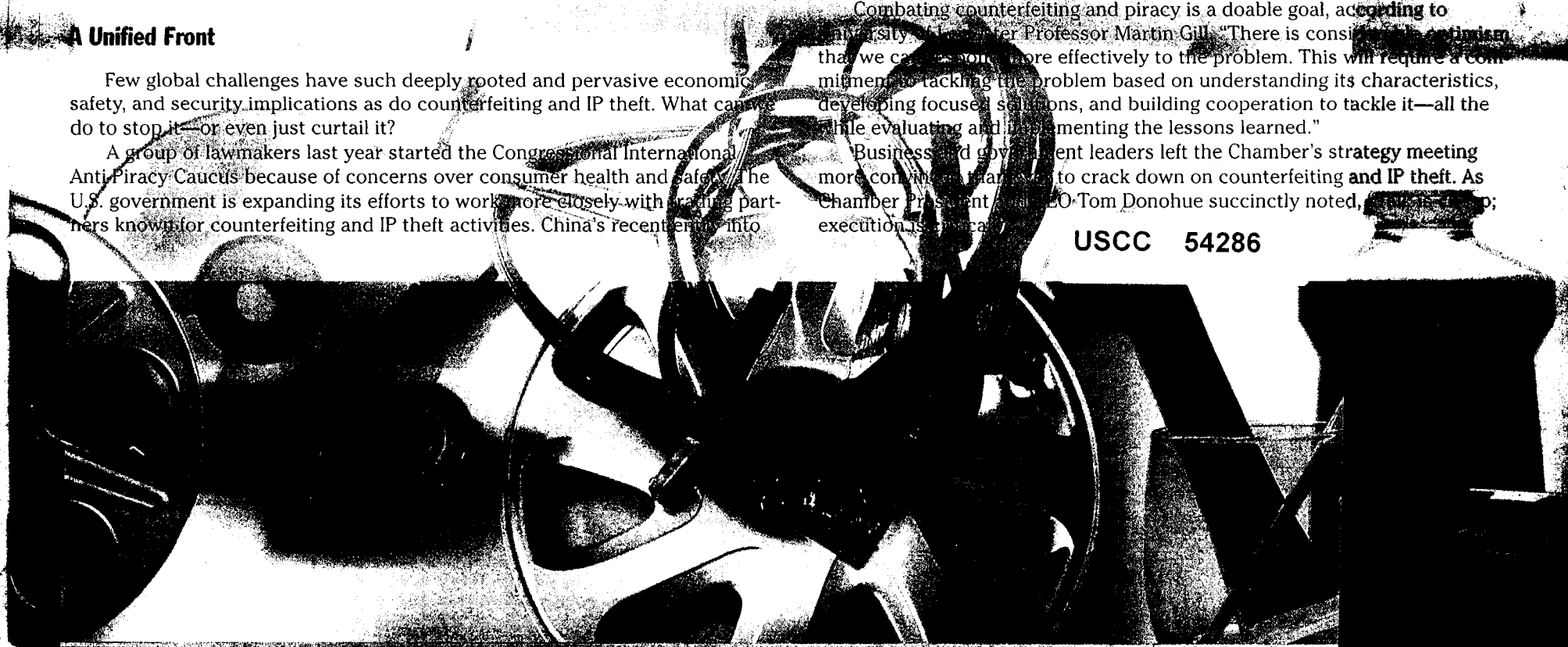
Some observers have called for more data sharing among all affected parties. The resources are available, they contend; they just need to be coordinated.

James Comey, deputy attorney general at the U.S. Department of Justice, emphasized the need for global cooperation given that organized crime syndicates are becoming more involved in the illicit trade of counterfeit goods. “Piracy has become a big business,” Comey said. “Intellectual property crime is everywhere. There are no borders. We must have the help of other countries. Pirates and counterfeiters are changing their conduct to stay a step ahead. Make no mistake. They are very good at this. And their products look good.”

Combating counterfeiting and piracy is a doable goal, according to University of Leicester Professor Martin Gill. “There is considerable optimism that we can do so more effectively to the problem. This will require a commitment to tackling the problem based on understanding its characteristics, developing focused solutions, and building cooperation to tackle it—all the while evaluating and implementing the lessons learned.”

Business and government leaders left the Chamber’s strategy meeting more convinced than ever to crack down on counterfeiting and IP theft. As Chamber President and CEO Tom Donohue succinctly noted, “The execution is the key.”

USCC 54286



T U R E

ing Could Hurt The Self-Employed

The U.S. Chamber is concerned with a proposal made to Congress in January by National Taxpayer Advocate Nina Olson that would create a withholding mechanism on self-employed taxpayers who perform work for other businesses.

Olson recommended that Congress enact a withholding requirement on payments to certain categories of non-wage workers—a 5% withholding rate on payments to independent contractors who do not maintain inventories and a 3.5% withholding rate for independent contractors who maintain inventories or receive payments for materials and supplies. Currently, payments made to these taxpayers are often not reported to the IRS by employers and have no tax withheld.

According to Olson's report to Congress, the amount of unreported and underreported tax attributable to independent contractors (sole proprietors)—\$81.2 billion—is the largest single component of unpaid income taxes. The report goes on to say that sole proprietors were responsible for \$32.5 billion of the \$103.3 billion tax gap in 1998.

The Chamber believes that the imposition of such a withholding tax places an undue and discriminatory burden on millions of small businesses already struggling with an overly complicated tax code. Essentially, it would punish employers based on the perception that their contractors are fraudulently underreporting their income. Even Olson said that her proposal would create more work for employers. The proposal would also cloud and complicate the distinction between contractors and employees.

The U.S. Chamber insists that any level withholding would make the tax code more complex and increase the potential for accidental non-compliance. The Chamber is examining the impact of the proposal on the small business community and will communicate its findings to the Taxpayer Advocate and to Congress.

F E A T U R E

Small Businesses: Tech Innovators Big Ideas From Small Companies

W

hen most people think about small businesses, they conjure up images of quaint “mom and pop shops” lining Main Street. But that's not the whole picture. Increasingly, small businesses are the ones driving advances in technology and cutting-edge innovation.

A new report by CHI Research, *Small Firms and Technology: Acquisitions, Inventor Movement, and Technology Transfer*,

shows that small firms are a substantial source of patents used by large companies in our most advanced industries, including biotechnology, medical electronics, semiconductor, and telecommunications.

Large firms also benefit in the innovation process through the acquisition of smaller companies and through the hiring of elite inventors. One quarter of acquiring companies in 2002 gained 50% or more of their technology strength (a measure of patents and citations by other patents) through acquisitions.

The technological influence of small firms by themselves is also increasing, according to the report. In 2002, small firms comprised 40% of the list of “highly innovative” companies (those with more than 15 U.S. patents in the last five years), up 7% from two years earlier. In fact, since the mid 1990s, the share of highly productive inventors at large firms fell from 72% to 69%, and the share at small firms rose from 12% to 16%.

The study adds further fuel to the age-old debate over whether large or small firms are more innovative. The advantages of small entrepreneurial firms—or so the argument goes—are highly motivated personnel with greater management commitment, close

links to customers and suppliers, and an ability to concentrate efforts on niche markets. Conversely, large firms enjoy advantages such as more extensive financial resources for development and marketing and more expertise in dealing with government regulations and the patent system.

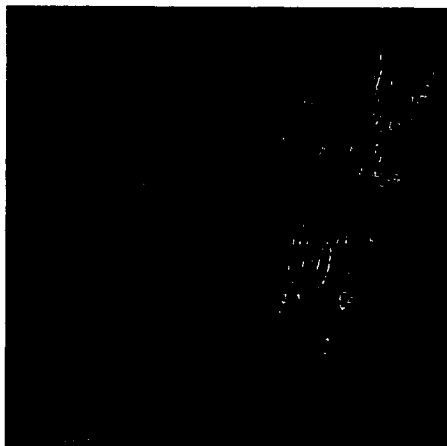
The U.S. Chamber focuses on what Congress can do to ensure that small businesses continue to innovate, create, and drive our economy. The Chamber has embraced an aggressive agenda to unleash the economic and creative powers of small businesses and entrepreneurs. It supports permanent extension of tax credits for research and experimentation, increased funding for the Patent and Trademark Office to protect intellectual property rights, and the streamlining of agencies such as the Federal Communications Commission to speed their responsiveness to the market.

The Chamber opposes measures that would implement Internet access taxes, thereby stifling adoption of new ideas, and it challenges regulations based on questionable assumptions or unscientific data.

Washington must do everything it can to provide certainty for investors, free up capital, and offer incentives for innovation. From Main Street to Wall Street, from the Silicon Valley to Capitol Hill, America must continue to encourage technological leadership by small businesses—our economy depends on it!

Editor's note: A copy of the report by CHI Research can be viewed on the Small Business Administration's Web site at www.sba.gov/advo/research/rs233_tot.pdf.

**Increasingly, small businesses
are the ones driving
advances in technology and
cutting-edge innovation.**



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MEMBER BENEFIT

[assess your international risk](http://assessyourinternationalrisk.org)

The U.S. Small Business Administration, U.S. Chamber of Commerce and member companies of American International Group, Inc. (AIG) have joined together to create assessyourinternationalrisk.org—an informational Web site for small businesses conducting or planning to conduct business abroad. This powerful tool will help to assess and minimize risks inherent when expanding/conducting business outside of the U.S.

assessyourinternationalrisk.org offers information and questionnaires to help small business owners understand common international risks, determine if they have adequate international insurance coverage, and discusses coverage options that can help limit their risk.

Please visit assessyourinternationalrisk.org to find out more information on some of the international risks you may face when growing your business internationally. If you have further questions about information on the Web site, you may send an e-mail through the Contact Us link at assessyourinternationalrisk.org.

www.assessyourinternationalrisk.org



USCC 54289

COVER STORY

Spotlight on Highway Funding

Continued from cover

TEA-21 legislation should create a "firewall" to make certain that highway user fees collected for the highway trust fund are spent only for their intended purpose of improving the nation's surface transportation infrastructure.

Third, achieve the highest level of funding possible. The Senate, House, and White House remain at odds over funding levels.

Fourth, educate the public on the importance of transportation funding. ATM will continue to demonstrate the link between infrastructure investment and new jobs, economic growth, clean air, enhanced national security, and increased safety.

Studies show that our infrastructure is in dire need of additional

investment. A report from the Department of Transportation states that the nation would have to increase federal investment by more than \$15 billion a year just to maintain the current system and by more than \$35 billion to improve it.

A decaying transportation system affects our productivity and air quality. Our economy loses more than \$78 billion annually to congestion. If we do nothing, Americans will suffer through more than 3.6 billion gallons of fuel sitting in traffic every year. Simply making improvements to the 167 worst traffic bottlenecks around the country would reduce carbon monoxide levels in those areas by 71% and volatile organic compounds by 44%.

Transportation investment is also a safety issue. In the time it takes to finish reading this article, 12 people will be injured in a car crash somewhere in America. Over the next hour, 4 people will die in traffic accidents. And in the next year, 15,000 Americans will be killed because of substandard road conditions and roadside hazards.

Finally, transportation investment boosts economic growth. For every \$1 billion invested, approximately 47,500 jobs are created and \$3 billion in business sales is generated.

Should Congress remain gridlocked on TEA-21, so too will America. As our roads become more congested, the Chamber and its ATM partners will continue to speed ahead to improve our highways, bridges, and transit systems. Let's get America moving again!

SUCCESS INSIGHT

Member Member's Story Overcoming Mother Nature

W

Within a year of arriving in the United States as a penniless immigrant from Jamaica,

George Yap was the owner of his own business and living his dream. His company, LEASA, sold packaged food such as dumplings and wonton wraps in grocery stores. The crops used in his goods were grown as far away as his facilities in Florida.

At first, Yap's business was a profit. This all changed, however, in 1992 when a hurricane drove produce prices up 100%—adding \$200,000 in costs in six weeks. Now came that same hurricane Andrew, which destroyed thousands of pounds of produce in his company's insurance coverage.

As a small business owner, I can't pass the costs along to the customer," says Yap. "So I had to keep prices at the same level."

Yap took out loans and cash advances on his credit cards. He immediately knew that he would have to change his business model.

Yap's most decisive action was to begin growing his own crops using hydroponics instead of importing

them from California and elsewhere. He had a 30,000 square-foot facility constructed where he could grow bean sprouts, wheat sprouts, radish sprouts, and tofu. Now he didn't have to worry that every hurricane season could run him out of business.

His next action was product diversification, which acted as a risk management system. Yap began purchasing large quantities of egg rolls, fortune cookies, and other Asian cuisine that he repackaged individually for sale to consumers. Further, he began importing silk flowers and gift baskets from China.

In recent years, Yap has experienced tremendous success. He's currently building a second facility to grow crops indoors and is hiring a number of new employees. "The key to success," Yap says, "is never giving up." He adds: "Find out what people want and give it to them."

If you are a tireless business owner who has faced a serious obstacle only to rise to the challenge

and find success, contact Jaime Sneider by e-mail at jsneider@uschamber.com, phone him at 202-463-3125, or fax to 202-463-5707.



George Yap's company, LEASA, gets its name from the first letters of his children's names.

Photo: Ian Wierich

MEMBER FACTS

George Yap
LEASA Industries Co., Inc.
www.leasa.com

COMPANY FOUNDED: 1977
NUMBER OF EMPLOYEES: 65
INDUSTRY: Food Distribution

ADDRESS: 2450 NW 76th Street
Miami, FL 33147
PHONE: 305-696-0651

FEATURE

The News You When You Need

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Outrage of The Month

Tipping the Scales Of Justice

Overweight people are serving the fast food industry with lawsuits alleging that burgers and fries are responsible for their obesity. Some lawyers are eager to jump on the bandwagon, hoping to cash in on an industry with deep pockets. The U.S. Chamber is outraged and supports legislation that would prevent frivolous lawsuits against the manufacturers, distributors, and sellers of food and nonalcoholic beverages that comply with applicable statutory and regulatory requirements.

Source: San Francisco Business Times, February 10, 2004

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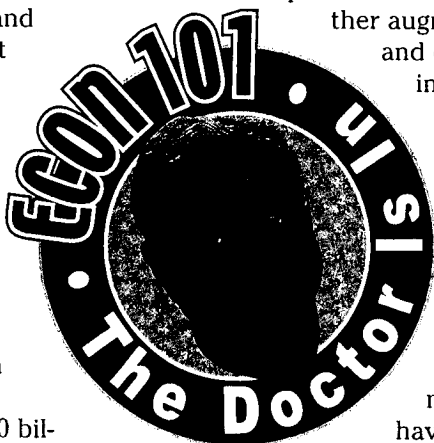
Dr. Martin Regalia: ECON 101

Tax Cuts—The Most Important

A few weeks ago, President Bush unveiled his budget for fiscal year 2005. The proposed budget calls for healthy increases in spending on defense and homeland security but held the line on all other discretionary spending. Despite the spending restraint on the nondefense, non-homeland security components of the budget, the deficit is projected to rise to more than \$500 billion next fiscal year and to remain more than \$250 billion annually throughout the forecast. Under these projections, we would add more than \$1 trillion to the national debt in the next five years. As would be expected in an election year, these projections have sparked a raucous debate over the causes and effects of such deficits. Now, I don't want to suggest that deficits are unimportant or that spending should be ignored, but I want to focus on another part of the 2004 budget that in the long run may be more important—tax cuts. When this administration arrived in Washington, it inherited

an economy that was faltering. To combat this weakness, the president proposed a major tax cut in 2001 to stimulate consumption and get the economy growing. In 2002, he proposed additional relief to further augment consumption and encourage capital investment. Again, in 2003, the administration sought to bolster the relief that was initiated in the earlier two years and give an added boost to investment. These efforts have been rewarded with an economy that once again is exhibiting better balance, stronger sustainable growth, and, most importantly, new job creation. Despite the success of these prior cuts, no one, it seems, wants to focus on the tax cuts imbedded in the 2004 budget, and they might be the most important in the series because **they seek to make all the previous cuts permanent.** While Bush's 2001, 2002, and 2003 tax cuts were viewed by many as being big, bold, cutting-edge packages—defining moments in recent tax history—his 2004 tax cut

proposal has received relatively little attention. While admittedly not as eye-catching as the prior three cuts, this year's package is even more compelling because without it the gains made over the last few years will expire. Most of you will remember that to pass the tax cuts in the Senate, they were subject to various sunset provisions, and unless the cuts are made permanent by a subsequent act of Congress, they will expire. Many of the Democratic presidential candidates have called for a repeal or roll back of some or all of the tax cuts, but few point out that unless specific action is taken to extend the cuts, they will automatically phase out in the next few years. Such a phaseout would be tantamount to the biggest tax increase in history. Let's take a moment to examine some of the tax cuts, their sunset dates, and the size of the tax increase that would occur if the cuts were allowed to expire. **Marginal rate reductions:** The 2001 act effectively lowered the marginal income tax rates for individuals and businesses that pay taxes as individuals. The 2003 act accelerated the phase-in of certain of these provisions. The relief provided by these changes is projected to save taxpayers nearly \$1 trillion over the



ALL BUSINESS MATTERS

Pitfalls

Advice for Avoiding Unintended Problems

The U.S. Chamber believes that small businesses and immigrant workers are a good fit. Indeed, many small businesses can and do benefit from the drive and industry of employees. Immigration is a complex area, and there are many pitfalls that require vigilance. For example, the President Bush has a new proposal that provides legal status for undocumented workers already working and contributing to our economy. It is possible that immigrant workers are not aware of the marked distinctions between a proposal and an actual law. Accordingly, employers should divulge that they lack one or more of the requirements. Under current immigration law, you—the employer—could be obliged to remove those workers immediately because they do not have “constructive knowledge” of their undocumented status. Question: How do you avoid such a pitfall? The answer may simply be to volunteer the information on existing immigration regulations and procedures to your employees or tell them where to find the information. The U.S. Citizenship and Immigration Services (USCIS) at www.uscis.gov or local immigration services agencies can be helpful.

The official U.S. government site, www.uscis.gov, for instance, provides useful information on a wide variety of immigration-related items including temporary protected status and green card procedures. In addition, the site offers numerous immigration forms for download and/or reproduction. Employees can also search the USCIS site for case status and processing dates. The site highlights, as well, the USCIS Call Center (800-375-5283). Further, www.uscis.gov contains valuable information for employers. And it provides updated USCIS Settlement Notices and Agreements. Second, as far as the current proposed immigration reform mentioned recently by the president, employers should be vigilant regarding the ongoing status of the suggested reform. Some general information, such as a news clipping or a legal analysis from a business group such as the U.S. Chamber, might suffice.

It is important, for the most part, to err on the side of caution. Current immigration law is extraordinarily complicated, bordering on the convoluted. Put another way, the forms for visa sponsorship, for example, are simple enough, but the regulations are complex. Moreover, when employers or workers are in a situation where it is necessary to deal directly with the USCIS, it is highly advisable for each party to consult with separate attorneys.

By Theresa Brown

U.S. Chamber of Commerce's
Director of Immigration Policy

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BENEFITS GUIDE FOR CHAMBER MEMBERS

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Management liability claims affect all companies—large and small, public and private. But directors and officers of small and midsize enterprises may be particularly vulnerable to being named in lawsuits because they are more involved in day-to-day business decisions. And since company assets can be closely tied to the personal wealth of directors and officers, these lawsuits could have a severe impact.

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WORKING FOR YOU

A Tax Man on Your Side

Phil Beram, Chief Tax Counsel

As chief tax counsel and director of tax, accounting, and corporate governance for the U.S. Chamber, Phil Beram's job is to make compliance with federal tax law easier for Chamber members, particularly by working for improvements in the law and by keeping members up to date on important changes.

Accordingly, Beram has some insight to offer small businesses to make tax filing a little less painful. He believes that it is useful for small business owners to be familiar with changes made to the tax code and lists the following newly effective changes that can reduce small business tax liabilities:

- An additional first-year 50% "bonus" depreciation allowance is provided for business property acquired after May 5, 2003.
- The maximum Section 179 deduction—"expensing"—for

business property placed in service during 2003 has increased from \$24,000 to \$100,000. This deduction now includes off-the-shelf computer software.

the annual phaseout threshold has increased from \$200,000 to \$400,000 for property placed in service during the year.

- The "above-the-line" deduction for health insurance for the self-employed has increased to 100%.
- Certain specially modified trade-in vehicles placed in service after July 1, 2003, are no longer subject to the passenger vehicle depreciation limits.

Beram, an attorney, a certified public accountant, and an economist, has been at the U.S. Chamber for nearly 5 years. Before his current position, he worked for the Bureau of Labor Statistics, the IRS, 10 years in private practice, and 2 years at Mason University.



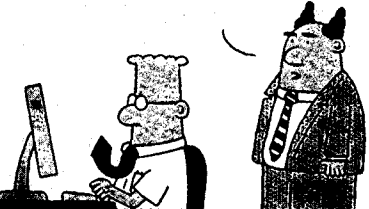
PHOTO: IAN WAGNER

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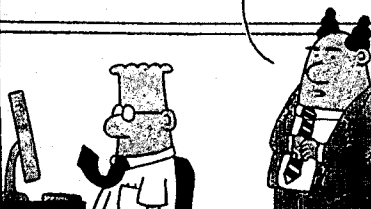
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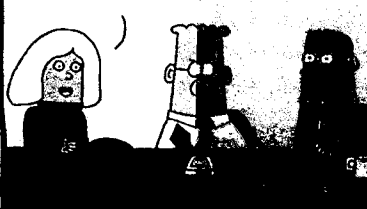
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Yet

10-year budget window—about \$120 billion in its final year alone. It is scheduled to sunset at the end of 2010. Failure to extend these provisions is tantamount to a tax increase of about \$120 billion per year beginning in 2011.

Marriage penalty relief: The 2001 act also phased out the so-called marriage penalty, a change that is estimated to save married joint filers more than \$60 billion between the time of its enactment and its sunset date in 2010. In the year prior to its expiration, it will save taxpayers almost \$10 billion. If this provision is allowed to expire in 2010, it will cost married taxpayers another \$10 billion per year.

Child credit: The 2001 and 2003 acts offer expanded child credits. This relief totals \$204 billion over the life of the provision and approximately \$25 billion in 2010. Failure to make this relief permanent will amount to a \$25 billion tax increase in 2011.

Alternative minimum tax threshold: Modest increases in the individual alternative minimum tax exemption were contained in the 2001 and 2003 acts. These provisions provided some relief against the tax code's unintended encroachment of the AMT on the middle class, as well as softened the impact of the AMT on the other tax cuts. This relief sunsets

at the end of 2004 and provides \$15 billion of relief in its last year.

Reduction in dividend and capital gain tax rates: The 2003 act introduced a vital reform to reduce the double taxation on certain types of income that is taxed once at the corporate level and again at the individual level. This relief is projected to total nearly \$150 billion over the life of this provision and about \$27 billion in 2008, its final year. Failure to make this relief permanent will amount to a \$27 billion tax increase in 2009 and beyond.

Estate and gift tax provisions: The 2001 act phased out the "death tax" and some related provisions, saving taxpayers about \$140 billion between 2001 and 2010 and about \$25 billion in 2010. If Congress takes no action to make this provision permanent, taxpayers are going to see a \$25 billion per year tax increase after that date.

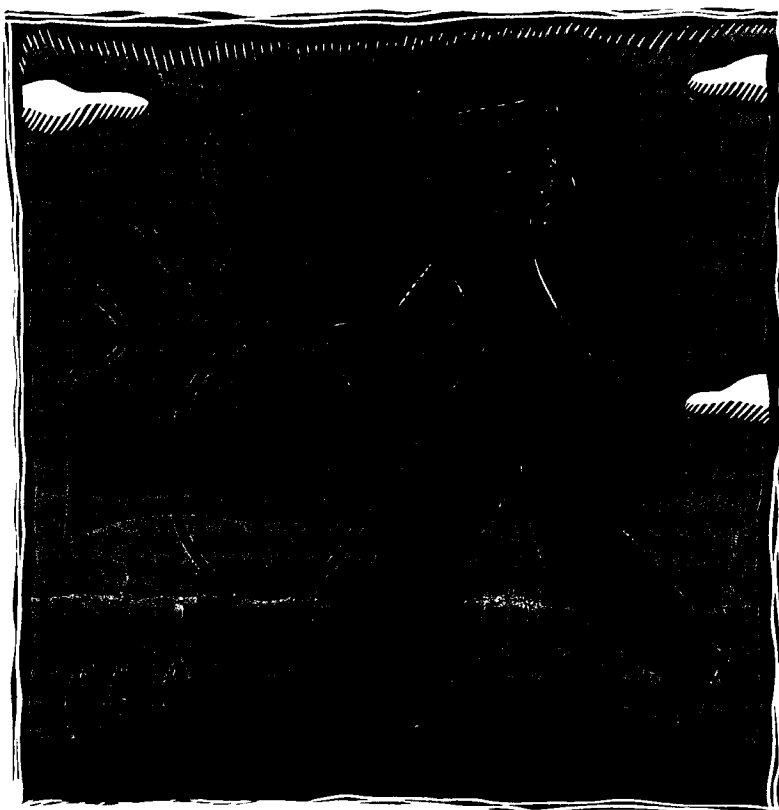
Pension and IRA reforms: Many pension and IRA reforms, which will help future retirees, were introduced in the 2001 act. These

will amount to a \$7 billion tax increase in 2011.

Even with this partial list, you get the idea. If we don't address the sunset dates, we will be facing a tax increase that could exceed \$230 billion per year—an amount that makes the \$60 billion per year Clinton tax increase pale in comparison.

Failure to make the tax cuts of the past three years permanent would also undo the best chance this country has seen in decades to achieve fundamental tax reform. Taken together, the Bush tax cuts represent the initial steps toward incremental fundamental tax reform—lower marginal rates, more effective cost recovery on investment, and the reduction of double taxation of capital gains and dividends. Together with current proposals to eliminate the double taxation of saving and to

address the taxation of income earned abroad, these changes represent the most politically achievable way to get fundamental tax reform.



provisions will provide relief totaling about \$50 billion over 10 years and approximately \$7 billion in 2010. Failure to make this relief permanent

TECH TOOLS

Backing Up Your Computer An Ounce of Prevention Can Save Money

Recovering or reproducing business files that are lost, stolen, or damaged can be time-consuming and costly. And for some business owners, the loss of certain documents could literally mean the loss of their businesses.

Backing up your computer does not mean copying every file on every computer you use for work. The most important files to back up are those that you may be legally required to maintain and those that would directly cause your business to lose money or customers if they were lost.

If you use more than one computer for your business, having the computers use a shared network drive for file storage will make performing backups easier. Also, if you use computers in more than one location, be sure to back up your files on those machines as well.

There are two primary kinds of media used for backing up computer files:

CD-R or CD-RW: CD-R (Recordable) and CD-RW (ReWritable) are inexpensive and hold up to 700


MB of data, more than enough space for typical business documents.

CD-R discs allow you to make one-time backups that cannot be modified. This feature, and the fact that CD-R discs have a longer life span than CD-RW discs, makes CD-R discs more suitable for long-term archiving.

CD-RW discs allow you to reuse the same disc repeatedly and are best suited for regular backups of frequently changing files. Their shorter life spans and the ability to delete or write over previously saved information on CD-RW discs make them unsuitable for long-term archiving.

Tape drive: Tapes come in a variety of sizes and are generally used for backing up large files. They are more expensive than CDs, and the tapes can be relatively high priced.

If you're not backing up highly sensitive or specialized files, you probably don't need a tape drive or special backup software. Using the CD creation software that comes with your CD burner is sufficient in most cases. You may, however, want



E-MAIL QUESTIONS
TECH TOOLS OR E-SOURCES
jsneider@uschamber.com

By Jaime Sneider

to buy one of the many consumer business programs available at a moderate price to automate the process and to identify files you may have overlooked.

A few last tips: Test your backups periodically by recopying (restoring) files onto a new hard drive or empty directory on one of your current machines. This will help ensure that the backups are being performed correctly. At a minimum, you should have separate backup media for each day of the week. And, finally, to avoid losing your backups due to fire, a flood, or some other catastrophe, store your backup archives in a separate location from the computers you're backing up.

E-SOURCES

Security guide provided by the Carnegie-Mellon CERT® Coordination Center

Backup basics.

EXHIBIT 14

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FIGHTING FOR YOUR BUSINESS®

FEATURES

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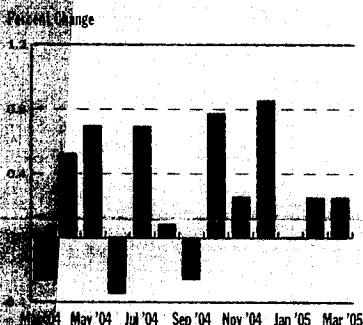
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PAGE 9 **Success InSight**—Family Business Drives Sales

PAGE 10 **ECON 101**—Are Inflation Fears Inflated?

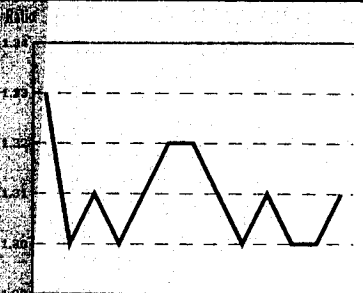
KEY TRENDS

INDUSTRIAL PRODUCTION INDEX



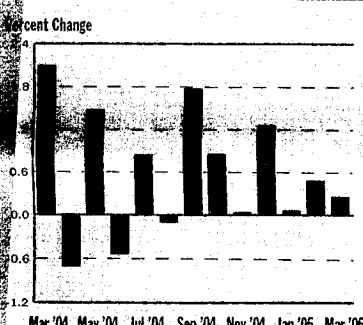
Source: Federal Reserve

INVENTORY-TO-SALES RATIO



Source: U.S. Census Bureau

RETAIL SALES



Source: U.S. Census Bureau

NEW ADA GUIDELINES PROPOSED Revised Rules Could Hurt Small Businesses

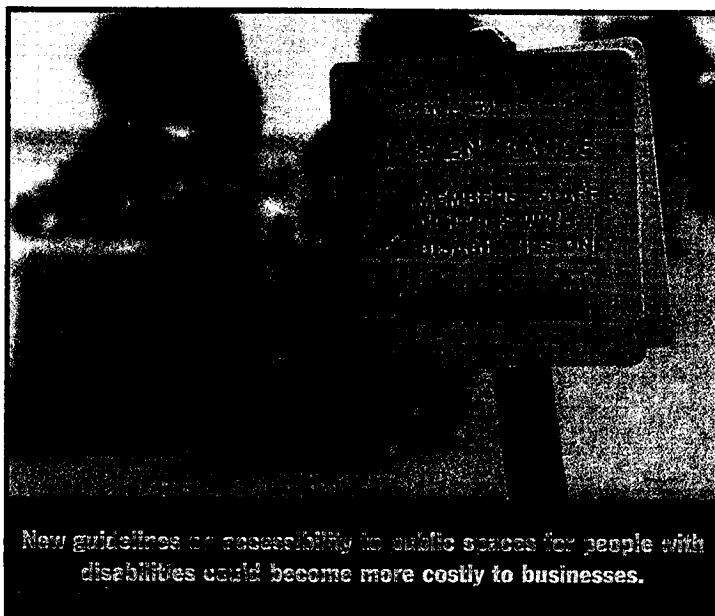
Businesses that have spent substantial time and resources complying with the Americans with Disabilities Act of 1990 (ADA) could be hit with a new wave of burdensome ADA regulatory mandates now being considered by the U.S. Department of Justice (DOJ)—but not if the U.S. Chamber can help it.

At issue is Title III of ADA, the provision contained in the 15-year-old law that requires virtually every business serving the public—regardless of size or number of employees—to remove barriers and make their facilities accessible to people with disabilities. Recently, the Architectural and Transportation Barriers Compliance Board issued potentially more burdensome and costly accessibility guidelines to replace the existing ones.

The revised guidelines contain hundreds of changes that affect everything from the location of light switches, to display and service counter heights, to door widths, and to the number of parking spaces that must be set aside for vans. One guideline, in particular, increases the percentage of public entrances that must be accessible to people with disabilities from 50% to 60%. This means that if there are two public entrances to a facility, both of them would need to be acces-

sible. In addition, the new guidelines have been entirely reformatted, making comparisons between them and the existing guidelines extremely difficult. Businesses will have to undergo an exhaustive comparative analysis to determine how they are affected by the new guidelines.

"The business community is interested in serving people with disabilities and supports the ADA's goals," explains Chamber President and CEO Tom Donohue. "However, we are greatly concerned that the new accessibility guidelines go too far and place too many burdens on small businesses that have already bent over backward to comply with the law." Donohue adds, "At some point, we need to inject common sense and an objective cost-benefit analysis when considering implementation of these revised guidelines."



Existing Facilities on the Hook?

The Chamber will focus its attention on whether the revised guidelines apply only to new and renovated facilities

Continued on page 9

U.S. Chamber of Commerce
Fighting for Your Business
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PECK EXHIBIT 14
Offered by Opposer, The Chamber of Commerce of the United States of America
The Chamber of Commerce of the United States of America v. United States Hispanic Chamber of Commerce Foundation
Opposition Number 91/156,321

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PAGE 12

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CAPITAL ROUNDUP

Small Business Takes Center Stage



Canada =

Georgia's development launched an expand business es with Canada. Georgia's top inner, accounting of the state's s. Gov. Perdue will this summer.

Source: Atlanta Business Chronicle



in Health Care

the Chicagoland Commerce 5,000 from a state study whether purchasing pools local businesses. s director said, nesses need ty to plan for

Source: St. Louis Post-Dispatch



ted to Small

Gov. Granholm ed a tax plan Increase taxes ds of small . The tax shift e a neutral effect venue coffer s axes on profits, urance taxes, e value-added tax.

Source: The Wall Street Journal



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signed into law n legislation that op lawyers from oping for plaintiff- isdictions, require are filed where injury actually and protect small from paying damages.

Source: The Institute for Legal Reform




RGINIA



s Reform

signed a legal refo ill that will reduce use by reforming bad-faith lawsuits. y lawsuits result person sues person's insurance or mistreatment.

Source: The Charleston Gazette

BILL NAME	SUMMARY OF BILL AND WHAT IT MEANS TO YOU	U.S. CHAMBER'S POSITION	STATUS
Health Care S. 663 Equity for Our Nation's Self-Employed Act of 2005	This legislation would allow both sole proprietors and partnerships to exclude from self-employment income the value of health care premiums for the purposes of calculating payroll taxes (i.e., Social Security and Medicare). Under current federal law, only C and S corporations enjoy this deduction.	The U.S. Chamber strongly supports allowing the self-employed the same deductions for health insurance premiums as C and S corporations.	 Introduced in the Senate March 17.
Junk Fax Prevention Act S. 714	This legislation would allow businesses to fax preexisting customers without having to seek written approval, reversing a Federal Communications Commission regulation scheduled to take effect July 1, 2005. Both houses of Congress passed versions of this bill last year but were not able to reconcile them before the session ended.	The U.S. Chamber is urging Congress to pass this legislation as soon as possible.	 Approved by the Senate Committee April 14.
DR-CAFTA U.S.-Dominican Republic-Central America Free Trade Agreement	DR-CAFTA would knock down trade barriers to American exports to the region. This FTA would be the largest trade agreement in a decade—two-way trade is currently \$32 billion. The agreement includes member countries Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and the Dominican Republic and would eliminate 80% of their tariffs immediately, with the remaining tariffs phased out over 10 years.	The U.S. Chamber supports enactment of DR-CAFTA, which would open the market to U.S. exports in the Dominican Republic and Central America.	 DR-CAFTA has already been negotiated by the administration and requires approval by Congress.

Information is current as of press time. For the very latest, go to www.uschamber.com/governance

STATUS LEGEND:



Icons denote current status of bills; the text below the icon denotes last action completed by Congress.

IN YOUR CORNER

Creating a Bigger, Stronger Team Working With Diverse Groups Helps Advance Agenda

The U.S. Chamber recently participated in a Capitol Hill press conference urging Congress to pass comprehensive immigration reform legislation. Joining the Chamber were representatives from the U.S. Conference of Catholic Bishops, the National Council of La Raza, the National Asian Pacific American Legal Consortium, Americans for Tax Reform, the Laborers' International Union of North America, and two other labor unions.

One could argue that these organizations make for strange bedfellows. None of them could be considered traditional Chamber partners or allies. In fact, some of them—namely the labor unions—are directly opposed to most of the Chamber's policy agenda.

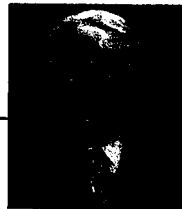
However, rallying a diverse collection of organizations behind a common policy goal is standard operating procedure at the Chamber. The Chamber chairs, co-chairs, or participates in nearly 100 policy coalitions made up of

both business and nonbusiness entities. Whether it's immigration, health care, or transportation, the Chamber cannot achieve its policy priorities without the united support of the business community and that of groups outside of business—and even those opposed to the Chamber's policies in some instances.

There's an old adage in Washington—today's adversary is tomorrow's ally. In this environment, organizations that hold grudges and burn bridges have difficulty achieving success, while those that find opportunities for partnerships and cooperation turn out to be winners.



Thomas J. Donohue
President and CEO
U.S. Chamber of Commerce



ACE-OFF

The Future of Amtrak Is the Intercity Passenger Rail System Worth Saving?

Norman Y. Mineta

Secretary, U.S. Department of Transportation

Year after year, Amtrak falls deeper into financial ruin. After 34 years—and 29 billion taxpayer dollars later—Amtrak's mounting financial crisis has put the railroad on a collision course with failure. It is wholly unfair to rail travelers to allow the infrastructure to continue to deteriorate in this way. President Bush and I are determined to put passenger rail service on a solid foundation by introducing a comprehensive reform proposal in Congress.

Amtrak was created in 1970 as a for-profit private company, but escalating taxpayer bailouts are the only thing keeping it afloat. For intercity passenger rail to survive and flourish, we must create a system driven by sound economics, where prices and passengers—not politics—determine service.

Some states have already given up on the current system in favor of one that provides greater local control over train schedules, stations, and customer service.

However, under the present system, the federal government cannot provide any support to these states and their initiatives because all federal intercity passenger rail dollars go to Amtrak.

Our plan would create a federal-state partnership and allow states to decide what passenger rail service is needed and who will operate it. The federal government would provide a dollar-for-dollar match for track, train, and station improvements and let the states decide how and where to use the investments.

The answer to our intercity passenger rail problems is not throwing more money into a failed enterprise. The answer is top-to-bottom reform. The Bush administration has a plan to put intercity passenger rail service in America on a sustainable path for the future.

Sen. Thomas Carper (D-DE)
Member, Comm. on Banking, Housing, and Urban Affairs

With our highways cramped and our airlines under increased stress, never has the need for greater investment in passenger rail been more evident. The U.S. economy lost \$63 billion last year because of traffic congestion—most of that a result of the 5.6 billion gallons of fuel wasted as cars sat idling in urban traffic jams. The news isn't much better for air travelers, as canceled flights, extended delays, and longer security lines continue to plague our airlines.

Passenger rail can help alleviate congestion, reduce our dependency on foreign oil, and provide Americans with a safe and environmentally friendly way to get to work. But instead of calling for greater investment in rail, the president this year did the exact opposite, proposing to cut federal spending on Amtrak and send it into bankruptcy.

The Bush administration has tried to justify its decision as a means of forcing Congress to encourage broad-scale changes to Amtrak. But reforming Amtrak through the threat of bankruptcy is irresponsible and unmanageable. Rather than focusing our energies on reform, Congress will have to spend time and effort to avert another crisis in order to keep the trains running for the 25 million people who annually depend on Amtrak.

Those of us in Congress who support Amtrak know it's not perfect. We need to find a more workable system. One way to do that is to move beyond the annual fight over Amtrak's budget and dedicate a guaranteed stream of funding for rail investment, similar to what we've done for highways and airplanes. Only then will this country truly begin to utilize passenger rail in a way that makes sense.



<http://carper.senate.gov>



QUIPS

Heard In a
The U.S. Ch

"Punchy and unapologetic, Mr. Donohue has lobbied tirelessly for the 3 million firms that organization represents, sometimes waging campaigns for years. Mr. Donohue is a master of political lobbying."

"The U.S. Chamber of Commerce, the leading business organization, has already succeeded in getting laws passed in Texas and Mississippi."

—Chicago Tribune

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CHAMBER OF COMMERCE
OF THE UNITED STATES



FEATURE

The U.S. Chamber Co-Sponsored *Cover the Uninsured Week* Events

The U.S. Chamber believes that access to affordable coverage is our nation's highest health care priority. That's why it co-sponsored *Cover the Uninsured Week* events.

From May 1 to 8, *Cover the Uninsured Week* mobilized thousands of business leaders, health care providers, union members, and many others in hundreds of communities nationwide. It helped educate Americans about this urgent problem and provided resources and other events focusing on ways to help make health insurance more affordable for small businesses.

"Eight out of 10 uninsured Americans either work or are in working families—many of them small business owners and employees," says Kate Sullivan Hare, the Chamber's executive director of health policy. "Small businesses are also hardest hit by double-digit premium increases."

At www.covertheuninsuredweek.org, Chamber members can learn about events that were held in their communities and read *A Guide to Health Insurance Options for Small Business*, which includes useful information about existing health plan designs, strategies to lower health plan costs, and an overview of state and federal health care regulations. The Web site also offers guides for finding state-specific health insurance options.

One example of a Chamber activity held during *Cover the Uninsured Week* was in San Diego, which was organized by Monica Banken, manager of the U.S. Chamber's Western Regional Office. "In San Diego, we helped organize a forum about health care system design and funding," Banken said.

For more information about *Cover the Uninsured Week*, please visit www.covertheuninsuredweek.org.

FEATURE

Another Nail in the Death Tax Coffin House Passes Permanent Repeal; Senate Next

Could the permanent end of the dreaded death tax finally be at hand? The House did its part in April when it overwhelmingly passed a permanent repeal of the unfair levy. The battle now shifts to the Senate, where 60 votes will be needed to overcome a threatened filibuster.

The battle to eliminate the death tax once and for all has been a long one. In 2001, a bipartisan majority in Congress passed the Economic Growth and Tax Relief Reconciliation Act, which phased out the death tax over 10 years. Presently, the phaseout exempts estates valued at \$1.5 million; for businesses valued at more than that, the top tax rate is 47%. By 2009, the top rate will have fallen slightly to 45%, but businesses valued at \$3.5 million or less will be exempt.

The fly in the ointment is that unless Congress acts again, the death tax will be reinstated in 2011.

The death tax is complicated and unfair and establishes an expensive and difficult barrier to succession planning. It creates a disincentive to

pass down family businesses to future generations. After decades of paying taxes, a family business often must choose between depleting hard-earned savings, liquidating the business, or laying off workers just to pay the death tax. Other businesses suspend investments in new technologies or opportunities.

The U.S. Chamber has long pushed for a full repeal of the death tax—preserving the livelihood of many small business owners, protecting the jobs of their workers, and looking out for the interests of local communities without a substantial revenue loss to the federal government. Permanently repealing the death tax will allow companies to do what they do best: contribute to the U.S. economy now and for generations to come.

Visit www.voteforbusiness.com and tell your senators that death shouldn't be a taxable event and that you support legislation to permanently repeal the death tax.

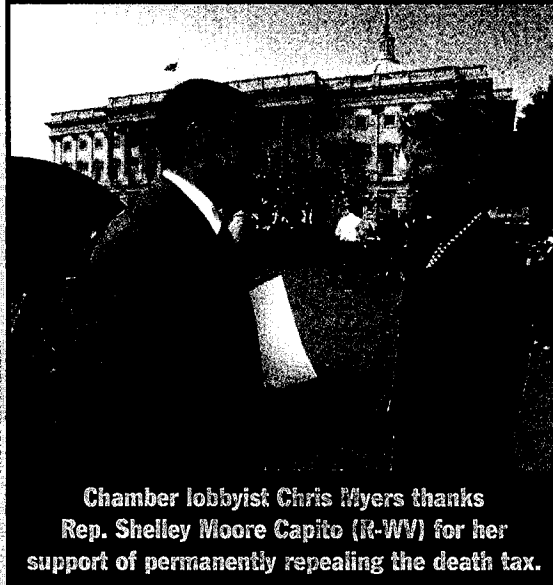


PHOTO: IAN WAGREICH

FEATURE

Tax Cuts Spur Entrepreneurship SBA Study Examines Benefits of Tax Cuts

In 1789, Benjamin Franklin wrote, "In this world nothing is certain but death and taxes." For entrepreneurs, there is one other certainty: tax cuts are a catalyst for new business ventures.

A recent report issued by the Small Business Administration's Office of Advocacy says that marginal income tax rates have a profound effect on entrepreneurial activity. "The higher the tax rate potential entrepreneurs face, the less likely they will be motivated to take the plunge," says Giovanni Coratolo, executive director of the U.S. Chamber's Small Business Council.

According to the report, reducing the marginal income tax rates by 1 percentage point boosts the probability of starting a new business venture by 1.42% for individual income filers and 2.0% for married filers.

Likewise, a 1% income tax rate cut lessens the likelihood that entrepreneurs will end a business venture by

17.32% for individuals and 7.81% for married filers. "Entrepreneurs sometimes find that they cannot grow their business fast enough to meet financial obligations," Coratolo says. "Cutting income taxes means that entrepreneurs have more resources to pour back into their business."

Income tax rates also play a role in how long entrepreneurs choose to engage in a venture. A marginal tax rate reduction of 1% radically lengthens the duration of entrepreneurial activity by 32.5% for single filers and 44.8% for married filers.

Efforts are now under way by the U.S. Chamber to encourage Congress to make the last four tax cuts permanent and as certain as Franklin's famous saying.

**"The higher the tax rate
potential entrepreneurs face,
the less likely they will be
motivated to take the plunge."**

**—Giovanni Coratolo,
Executive Director,
U.S. Chamber Small Business Council**

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FEATURE

Taming the Regulatory Beast Chamber Seeks More Small Business Protections

On a just world, federal agencies would be required to weigh the impact of proposed regulations on small businesses to ensure that the rule's benefits outweigh the costs, right? That's exactly what was supposed to happen after Congress passed the Regulatory Flexibility Act (RFA).

Unfortunately, it hasn't quite turned out that way. Since RFA's passage in 1980, the impact of the law has been undermined by agency interpretations and the absence of an effective enforcement mechanism. The U.S. Chamber is seeking needed improvements to the law that would strengthen compliance by federal agencies and improve regulatory protections for small businesses.

"It is clear to me that federal agencies have taken advantage of every ounce of flexibility in complying with RFA," said Marc Freedman, director of labor policy at the Chamber.

Freedman has lobbied Congress and has testified before the House Small Business Committee in support of The Regulatory Flexibility Improvements Act.

"We want Congress to expand the number of review panels for proposed rules and require agencies to consider the indirect impact on small businesses," Freedman said in his testimony in March. Review panels allow small

businesses to inform agencies directly about the impact of proposed regulations. Current case law requires that agencies only consider the direct impact of regulations, meaning that they ignore the indirect impact regulations may have on small businesses—which can be significant.

"The new law would also close loopholes used by IRS to avoid complying with RFA," Freedman added. "And it would put some teeth into the judicial review process, making it easier to challenge an agency's RFA compliance in court."

The Small Business Administration estimates that RFA saved America's small businesses more than \$17 billion

in 2004. "Still, improvements to it will help make the legislation even more effective," according to Freedman.

Among the many pressures that small businesses face, regulations are among the most challenging. RFA improvements would reduce the regulatory burdens on small businesses and help them succeed in a competitive environment.



PHOTO: IN WAGREICH

Marc Freedman, Chamber labor law specialist, testifies on needed improvements to RFA.

FEATURE

Bankruptcy Laws Updated

On April 20, the president signed into law a bill to reform outdated bankruptcy laws. The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 will go into effect in six months.

"People who can't afford to pay their debts have nothing to fear from bankruptcy reform, but those who can will be held accountable," says Pete Lawson, the U.S. Chamber's director of Congressional and Public Affairs. "Reform of our nation's bankruptcy laws is long overdue."

Bankruptcy laws were intended to protect those who need the support that bankruptcy offers, such as a fresh start and protection from creditors. Over time, however, rampant abuse of the bankruptcy system began hurting consumers, workers, and small businesses.

The law addresses the increasing number of bankruptcies filed by wealthy debtors who are trying to escape their debts. The law institutes a deliberate and straightforward needs-based test that requires wealthy debtors to work out a repayment plan by forcing them to file under Chapter 13 of the Bankruptcy Code.

"Chapter 13 requires that debtors follow a repayment plan established by the court," explains Lawson. "Many wealthy debtors have managed to escape their debts by filing under Chapter 7, which allows them to wipe out debt."

The number of bankruptcy filings has skyrocketed from 348,000 to 1.4 million in the last 15 years. Businesses swallow nearly \$40 billion in bankruptcy losses each year, and small businesses often have difficulty recovering their losses because the cost of doing so is prohibitively high.

"This bipartisan bill will stop the rampant abuse of the bankruptcy system that is harmful to consumers, workers, and small business," says Lawson.

FEATURE

Looking Out for S Corporations Chamber Supports Pro-Small Business Tax Ruling

State income taxes paid by S corporations should be considered a cost of doing business during a contract job and consequently reimbursable as part of the contract, according to a friend-of-the-court brief filed by the National Chamber Litigation Center (NCLC).

NCLC, the U.S. Chamber's public policy law firm, filed the amicus brief in support of a recent federal court decision regarding subchapter S corporations—small businesses with fewer than 75 shareholders. That ruling said that both large and small businesses should be able to treat state income taxes as a cost of doing business during a contract job and should be reimbursable.

The brief states that S corporations should be reimbursed by the government as a matter of policy for the same category of costs and expenses, including state income taxes, that are reimbursed to business

entities organized either as partnerships or as ordinary C corporations."

According to Robin Conrad, senior vice president of NCLC, "If federal prosecutors are successful in reversing the court ruling, subchapter S corporations would be exposed to double taxation at both the corporate and individual income tax levels." Conrad adds, "Double taxation would discourage small businesses from competing for and performing government contracts. It would also contradict Congress' stated policy of assisting small businesses in selling products and services to the government."

FOCUS ON TRADE AND SMALL B

May is International Trade Month and a perfect opportunity for the U.S. Chamber to introduce you to its International Division, explain how its experts work to open up new markets for your products and services, and discuss a top free trade priority—passage of the U.S.-Dominican Republic-Central America Free Trade Agreement (DR-CAFTA).

DR-CAFTA is the largest free trade agreement in more than a decade and holds boundless opportunities for the more than 230,000 small and midsize firms that export. Read on to learn more about the agreement, how it will benefit your business, and what you can do to help make it a reality.

The International Team—Who They Are and What They Do

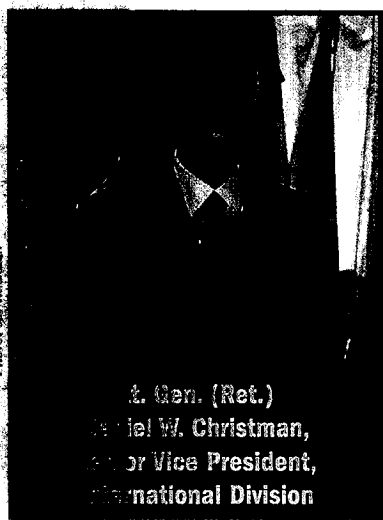


Photo: Joe Vitale/USA

**Lt. Gen. (Ret.)
Daniel W. Christman,
Senior Vice President,
International Division**

We've all heard the saying that "the world keeps getting smaller." It's true, and as a result, international business opportunities for America's small and medium-size companies continue growing. Consider this: In 2001, more than 238,000 U.S. firms exported goods—up 111% since 1992. Of these firms, 97% were small and midsize.

It is for this universe of companies that the U.S. Chamber's International Division works every day. More than 50 staff work to create business opportu-

nities for your firm, from Santiago to Singapore and from Moscow to Mumbai. In fact, this team is the largest international trade policy group outside the U.S. government.

The Division is divided into four regional departments staffed to suit your company's business strategy—East Asia, Europe and Eurasia, South Asia/Middle East/Africa, and the Western Hemisphere. In addition, the Center for International Private Enterprise (CIPE), a Chamber affiliate, builds democratic institutions and respect for the rule of law through market-oriented economic reforms around the globe. CIPE staff work with local businessmen and businesswomen in Afghanistan and Iraq.

Also, the Division has a network of more than 100 affiliated American Chambers of Commerce (AmChams) abroad. AmChams are the local voice of American business and can be a great resource for you.

The Chamber, knowing that in-country staff can provide invaluable intelligence, has a branch office in Brussels, Belgium, to monitor relevant regulatory activities in the European Union. For firms in the greater New York Metropolitan area, the Chamber has an office in Manhattan to work with you, as well as trade associations and multilateral organizations based in the city.

This month's issue features the importance of passing the U.S.-Dominican Republic-Central America Free Trade Agreement (DR-CAFTA) as a market-opening tool. Featured here is a compilation of what the International Division, the Congressional team, Regional Offices, and TradeRoots—the Chamber's grassroots trade education program—are doing to build support for this critical agreement.

In the coming months, look for more articles about how small businesses can tap into new, exciting, and profitable foreign markets. To reach the International Division or to learn how the team can help you, please call 202-463-5460 or e-mail info@uschamber.com. Go Global!

5 Things You Should Know

DR-CAFTA supports American jobs.

- American workers already export more than \$15 billion in U.S. products to the Dominican Republic and Central America. Two-way trade is more than \$32 billion.
- Trade with DR-CAFTA countries of the Dominican Republic, Costa Rica, Guatemala, El Salvador, Honduras, and Nicaragua supports tens of thousands of U.S. jobs. The FTA will support and create more U.S. jobs by knocking down foreign trade barriers.

The agreement levels the playing field for U.S. workers.

- DR-CAFTA countries already enjoy duty-free access to the U.S. market for 75% of their exports. But American exports face tariffs that are 30%–100% higher than the United States imposes.
- DR-CAFTA will fix this imbalance by immediately eliminating tariffs on more than 80% of U.S.-manufactured goods.

Farmers will get a big boost from DR-CAFTA.

- The American Farm Bureau says that DR-CAFTA will boost U.S. agricultural exports by nearly \$1.5 billion per year.
- American farmers can expect increased exports of \$144 million for poultry, \$55 million for corn, \$69 million for rice, \$55 million for wheat, \$18 million for soybeans, \$35 million for pork, and \$36 million for beef.

DR-CAFTA gives U.S. companies and workers new opportunities.

- DR-CAFTA will open services markets such as telecoms, insurance, and express shipments; provide new legal protections for copyrights, patents, and trademarks; and foster transparency in government procurement.

The agreement helps people in the region.

- DR-CAFTA will help lock in democratic reforms and improve economic conditions throughout the region. A stronger economy will provide governments with additional resources for much-needed education, health care, and infrastructure projects.

BUSINESS—PASSING DR-CAFTA

U.S. Chamber Actions

The Chamber strongly supports DR-CAFTA and is fighting hard to win congressional approval of this agreement. Its efforts include the following activities:

Outlining the Benefits State-By-State: The Chamber has prepared a series of state-by-state economic impact assessments showing the direct benefits of the agreement to 11 states: Alabama, California, Florida, Georgia, Illinois, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Texas. The Chamber has also prepared state-specific reports for all 50 states that highlight the benefits of DR-CAFTA to each state's economy. To view these reports, go to www.uschamber.com/goto/drcafta.

Forging International Partnerships: The Chamber has organized a tour of the Central American and Dominican ambassadors to the states that represent the six countries' key trading partners. The tour will underscore to members of Congress the potential benefits of the agreement for businesses in their congressional districts. Major activities have already been conducted in Atlanta, Birmingham, Charlotte, Dallas, Denver, Houston, Los Angeles, Miami, New Orleans, New York City, Raleigh, Sacramento, San Antonio, San José, Seattle, and Tampa.

Convincing Congress: The Chamber has organized nearly 350 meetings with members of Congress both in Washington, D.C., and in their congressional districts. A similar number of meetings have been held with senior congressional staff.

Rallying Businesses: The Chamber has led a vigorous nationwide outreach campaign to rally support for DR-CAFTA and to attract supporters among its Federation members. More than 500 chambers, associations,

and businesses have joined the Business Coalition for U.S.-Central America Trade, and the list keeps growing.

Several hundred DR-CAFTA briefings and programs have been organized by local chambers of commerce to educate constituents throughout the country about the importance of this agreement. TradeRoots has also organized statewide coalitions to engage World Trade Centers, District Export Councils, state economic development offices, and local industry sectors. Hundreds of DR-CAFTA toolkits, including sample letters to members of Congress, press releases, op-eds, and thousands of packets containing state-specific DR-CAFTA information, have been distributed to chambers of commerce and business associations across the country. For more information, visit www.traderoots.org.

Putting a Face on Trade: TradeRoots and the American Chambers of Commerce from the six countries in Central America and the Dominican Republic published a book of stories profiling 50 small and medium-size U.S. companies that have benefited from trade with Central America and the Dominican Republic—but stand to gain even more once Congress approves the free trade agreement.

Getting Positive Press: The Chamber has provided hundreds of media interviews and has issued dozens of press releases on DR-CAFTA, generating positive press in the *Los Angeles Times*, the *New Orleans Times-Picayune*, the *Houston Chronicle*, and the *Dallas Morning News*, among others.

How You Can Help—Get Involved!

The Chamber is ramping up its efforts on this critical issue in anticipation of a vote in Congress in the next few months. May and June will be crucial months for showing broad grassroots support for this agreement.

The Chamber encourages you to contact your members of Congress to express strong support for DR-CAFTA through a letter, phone call, press release, or meeting. To call your members of Congress, use our toll-free number 866-346-VOTE (8683) and the pin code CAFTA. To access sample letters and press releases, or to see copies of our op-eds, please visit www.uschamber.com/goto/drcafta. Now is the time to have your voice heard on Capitol Hill!

To obtain contact information for your U.S. Chamber regional offices, go to www.uschamber.com/about/contact/regional.htm. There are eight regional offices located throughout the country.

"Certainly a free trade agreement in the region will increase our sales. As of today, most of our products are subject to tariffs as high as 20%. Reducing these tariffs will not only make our business more profitable, but it will open the door to new endeavors that we are not currently able to undertake and allow us to create more jobs in the United States."

Oscar Ramirez
President
Bolivar Trading Inc.
Miami, Florida
Industry: Distribution
Number of U.S. Employees: 22



TradeRoots, *Growing Prosperity in America and the World*, is a sustained, national grassroots trade education program. It is dedicated to educating local communities about the

benefits of international trade on a local basis and building strong coalitions around the country in support of pro-trade legislation. This year, TradeRoots' priority is the passage of DR-CAFTA. TradeRoots has been awarded a U.S. Department of Commerce Market Development Cooperator Program (MDCP) grant to promote the use of free trade agreements to increase exports by small and midsize enterprises. Get involved—join TradeRoots—and become part of a growing trade network of chambers, associations, and businesses. For more information, call Emily Hagel at 202-778-2417, e-mail ehagel@uschamber.com, or visit www.traderoots.org.

USCC 54270

FEATURE

Elected Officials Praise the Chamber

In March, the U.S. Chamber honored pro-business members of Congress with its annual Spirit of Enterprise Awards. Recipients of the award were recognized for voting in support of the Chamber's legislative position at least 70% of the time in 2004. Here's what some officials said about the Chamber:

"The U.S. Chamber has made a big difference in advancing legal reform at both the federal and state levels, especially in Mississippi."

—Sen. Trent Lott (R-MS)

"Small businesses are key to creating 75% of our new jobs. It is great that the U.S. Chamber works so hard for small businesses to ease the regulatory burdens on them and give them opportunities to do well."

—Rep. Chet Edwards (D-TX)

"The Chamber is helping me advance legislation to reduce the regulatory and paperwork burdens that do unnecessary harm to small businesses, which create most of our new jobs."

—Rep. Sue W. Kelly (R-NY)

"The U.S. Chamber is actively engaged with Congress. The Chamber's ongoing commitment and involvement in the legislative and political arenas have made a very big difference."

—Sen. Jon Kyl (R-AZ)

"If you look at poverty and the other challenges that many of our communities face, the answer is jobs! The business community creates these jobs, and the Chamber supports business."

—Rep. Albert Wynn (D-MD)

"The U.S. Chamber does an outstanding job helping lawmakers keep taxes low and maintain a solid pro-business majority in Congress. The Chamber did a great job of providing support for class action reform."

—Rep. Robert Goodlatte (R-VA)

To learn what your members of Congress are saying about the U.S. Chamber, visit www.uschamber.com/issues/legislators/soe.

GUEST COLUMN

By U.S. Treasury Secretary John W. Snow

Social Security Must Be Fixed Now Program on Unsustainable Course

Social Security remains on an unsustainable course, requiring prompt, responsible, and bipartisan action to fix the program for our children and grandchildren.

The government has made promises it cannot afford to keep under the current pay-as-you-go system, and President Bush is leading administration-wide efforts to strengthen and save the 70-year-old program.

America's changing demographics are at the heart of the system's pending insolvency. It used to be that 16 workers paid taxes to support one retiree, but that ratio has dropped to nearly 3-to-1 today and will be 2-to-1 by the time today's workers retire. By 2017, Social Security will be paying out more in benefits than it takes in. By 2041—when younger workers begin to retire—the system will be bankrupt.

As business leaders, you are accustomed to dealing with long-term financial risks. To run a successful business, you simply cannot turn a blind eye to the financial liabilities that are on the horizon. Well the president doesn't believe that the government should either. He doesn't think that it would be wise to turn a blind eye to the reports of the nonpartisan Social Security actuaries, who tell us that the program faces a long-term deficit of \$11 trillion. And he doesn't believe in costly procrastination—in this case to the tune of \$700 billion every year that we wait to act.

The president has laid out principles for reform, such as not changing benefits for those Americans 55 and older, not increasing the payroll tax rate, and creating voluntary personal accounts so that younger workers can build a nest egg. But he has also asked that the American people have dialogue, and that the Congress bring forward a variety of proposals.

This is an important time to remember that reform of the Social Security system must be lasting, not just a temporary Band-Aid. Payroll taxes have been raised some 20 times since Social Security was established, failing to make the system solvent. Raising payroll taxes will harm our economy, hurt job growth, and fail to achieve the president's goal to produce a permanent fix

for Social Security. As you know, even the most resilient economy can be devastated by dramatic tax increases.

While Social Security reform addresses critical long-term deficits, the administration is also taking on the short-term budget deficit. A combination of spending restraint and economic growth—which increases Treasury receipts—is under way and achieving results. We expect the 2005 deficit to be 3.5% of GDP; this is substantially lower than the 4.5%–6% experienced at times in the 1980s and 1990s. The deficit is still too large,

but with tight controls on discretionary spending and increased revenue stemming from the expanding economy, we expect to cut the deficit in half to well under 2% of GDP by 2009.

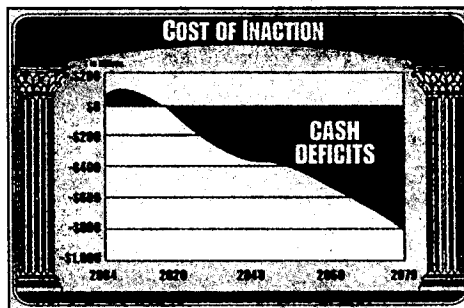
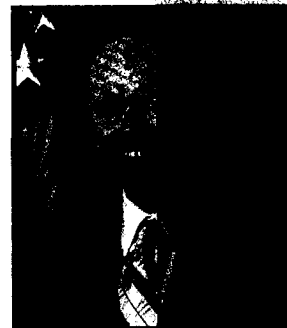
Ongoing budget deficit reduction must be accompanied by a recognition of, and plan for, the long-term unfunded liability that is the reality of the Social Security system's current structure.

Insisting on the first while ignoring the

second would be hypocritical and irresponsible.

The president's call to achieve permanent solvency, without payroll tax rate increases, and to include the creation of voluntary personal accounts would substantially improve the system. By enacting comprehensive reform, we would also eliminate the long-term threat of Social Security's unfunded obligation. I look forward to seeing a bipartisan bill in Congress that brings us to the next stage of the Social Security reform movement. Any effort to improve something that impacts so many Americans must be bipartisan, and I think that we will see legislation that saves Social Security and strengthens it so that it offers a better deal to younger generations.

For more information, please visit www.strengtheningsocialsecurity.gov.



ACCESS 2006

U.S. Chamber of Commerce
Small Business Summit

SAVE THE DATE

May 10–12, 2006

ACCESS

USCC 54271

MEMBER BENEFIT

Yellow.

The latest reason you
deserve a pat on the back
for joining the U.S.
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As a member of the U.S. Chamber
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a special 56% discount on less-than-
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Wouldn't it be great to get a few more of these?

USCC 54272

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MEMBER BENEFIT



We keep our promises so you can keep yours

Yellow understands that every shipment is a commitment to your customers. Every delivery is a promise kept. When your reputation is on the line, there's no room for second chances.

At Yellow, we've been helping association members meet their commitments for decades. As the first transportation provider ISO-certified system-wide from pickup through delivery, we have the processes in place to help you keep your promises. And we have the transportation solutions to meet your changing needs.

As a member of the U.S. Chamber, you'll enjoy a 56% discount on all Yellow Standard Ground™ less-than-truckload deliveries. Standard Ground sets the standard for shipments that make a difference for business – but aren't big enough to fill up a truck. Other membership benefits include:

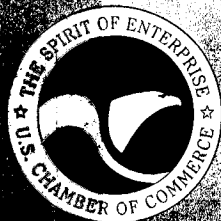
- **Dedicated members only toll-free number:** call 800-293-0414 and have your Chamber Member number ready
- **Easy enrollment process**
- **State-of-the-art tracking services**
- **World-class service** from the transportation provider named #1 in our industry by *Fortune* magazine – in 2003 and 2004!
- **Peace of mind** for you and your customers

Enroll, and you'll quickly discover that Yellow has the precise, reliable transportation solutions you need, including:

- **Standard Ground** – providing best-in-class, less-than-truckload service across the continental U.S., Alaska, Hawaii and Puerto Rico. Shipments must weigh at least 150 lbs.
- **Definite Delivery** – with guaranteed standard transit times, constant monitoring, proactive notification and end-to-end visibility
- **Standard Ground Regional Advantage** – 1-, 2- and 3-day regional services at increased speed and greater value
- **Customized solutions** – exhibit services, truckload shipments, return goods management, chemical shipments, special services for unique challenges and temperature-sensitive goods and dedicated equipment for exclusive-use shipments
- **Specialized cross-border services** – to Canada and Mexico
- **Global shipments** – seamless air, ocean and overland service and full logistics support.

It's easy to get started.

USCC 54273



Call 800-293-0414 and have your Chamber Member number ready to enroll. Or visit www.uschamber.com/member/benefits/yellow.



♦The discount applies to Standard Ground, a Yellow LTL service.

OVER STORY

Chamber Opposes New ADA Burdens

Continued from cover

or also to existing facilities, and whether the employee work areas coverage is expanded. The Chamber will also urge the DOJ to conduct a full analysis of the impact these guidelines will have on small businesses.

Last fall, the DOJ published an

advanced notice of proposed rulemaking, asking the public to comment on, among other things, how it should apply new accessibility requirements to existing facilities open to the public. The Chamber is leading a coalition of associations and business owners who are concerned about the impact

of the DOJ's rulemaking on small businesses and other employers and will file its comments ahead of the May 31 deadline.

"Clearly, the revised guidelines represent another layer of burdens and complications on businesses," Donohue says. "It's just not fair to arbitrarily keep raising the bar on businesses, especially small firms with limited resources that have already been pushed to the brink with existing mandates."

After considering outside comments, the DOJ will issue a proposed rule determining how the guidelines are applied and to whom. Businesses will then have an opportunity to submit comments on the proposed rule, after which time the DOJ will issue a final rule.

Language From Revised ADA Accessibility Guidelines

... six or fraction of six parking spaces required to be accessible, at least one shall be van accessible."

... of the counter surface that is 30 inches long minimum and 30 inches high maximum shall be provided. In addition, specific knee and toe clearances are required, as is specific clear floor or ground in front of the counter for a parallel or forward approach."

... work areas shall be required to comply with accessible design requirements for circulation paths, and shall be designed so that individuals with disabilities can approach, enter, and exit the employee work area.

SUCCESS INSIGHT

Member Member's Story

Family Business Drives Sales



From his father Bob's garage in Southern California to an expanding business with a presence in all 50 states, Rick Augustine and his wife, Debbie, have learned the value of a great sales

company, Bob's Printing, Inc., provides legal forms, commercial and industrial printing services, promotional forms, and advertising products to automobile dealers across the country as well as in Canada and Mexico.

BPI Autoforms, as the company is now called, started out in Bob's garage. "No one was doing this," Debbie says of the Augustine model, which centers on the paperwork, legal, and advertising products to dealers together with excellent customer service.

By the business, BPI hired sales representatives in an increasing number of states. According to Rick, "Some sales reps didn't." After hiring on a contractual basis and meeting with managers, BPI looked within company ranks and discovered hidden talent. The Augustines found that the one of their sales reps demonstrated tenacity, and they hired him as the company's new sales manager.

Instead of working in the field, BPI's new sales manager made telephone contact with auto dealerships and sent them catalogues of company products, following up on those orders until they reached their

recipients. Indeed, such attention to detail and excellent customer service have made BPI a successful, multistate market leader.

Meeting customers' needs is not just a function of quality customer service, however. BPI meets this challenge by limiting its physical presence to its headquarters in California so that the company is not responsible for paying sales tax in the states where their customers are. The customers remit payment of sales tax to their own state governments, which helps cut down on paperwork for the Augustines. BPI has also extended its sales presence online.

A smart sales strategy, personal contact with customers, and strategic business planning have combined to make BPI Autoforms a successful business in an increasingly crowded market. "Growing a business and keeping it in the family are tough, but we've learned some important lessons along the way,"

the Augustines say.

If you are a tireless business owner, please tell uschamber.com your success story. Contact Emily Ansell by e-mail at eansell@uschamber.com, phone at 202-463-5730, or fax at 202-463-5707.



PHOTO: JAN WAGREICH

The Augustines say, "We always put our customer first."

MEMBER FACTS

Rick and Debbie Augustine
Bob's Printing, Inc.
debbie@bpiautoforms.com

U.S. CHAMBER MEMBER SINCE: 1999
COMPANY FOUNDED: 1977
NUMBER OF EMPLOYEES: 24

ADDRESS: P.O. Box 600426
San Diego, CA 92160
PHONE NUMBER: 800-339-9686

FEATURE

CCC Conference and Award Nominations

The U.S. Chamber of Commerce Center for Corporate Citizenship (CCC), dedicated to improving the social environment in which businesses operate, is once again having another busy year. On May 19 and 20, CCC is hosting the 2005 Partnership Conference, *Corporate Citizenship and the Global Economy*, at Chamber headquarters in Washington, D.C. The conference will examine how companies can promote the positive role of business in the global economy.

In addition, CCC is calling for nominations for the 2005 Corporate Citizenship Awards. These awards recognize businesses, trade associations, and chambers of commerce that have demonstrated ethical leadership and corporate stewardship, have made a difference in their communities, and have contributed to the advancement of important economic and social goals.

To be eligible, you must be a member of the U.S. Chamber or a local, metro, state, or international chamber of commerce. Feel free to nominate yourself. CCC also accepts nominations from nonprofits and other third parties. Nomination submissions must be postmarked by July 15, 2005.

For more information on the conference and the awards, visit www.uschamber.com/ccc or call 202-463-3133.

Outrage of The Month

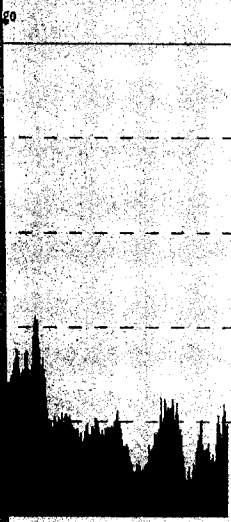
Lawsuits Cripple Vaccine Discoveries

In 1955, there were 26 companies that manufactured vaccines; now there are only four. Regulations and litigation have strangled the vaccine market—it currently takes 13 years or more for a company to earn the necessary regulatory approval, and lawsuits almost brought the industry to a standstill.

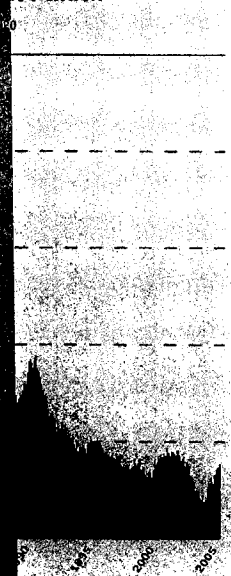
Source: *The Pittsburgh Post-Gazette*, April 11, 2005

ARTS 101

Consumer Price Index



Consumer Price Index



Dr. Martin Regalia: ECON 101

Are Inflation Fears Inflated?

While it seems like only a few months ago that news stories were warning of the dire consequences of deflation, recent increases in oil prices and other commodity prices have those same wags now contemplating the inevitability of runaway inflation. Recently, stories on possible "super-spikes" hyperinflation and even stagflation (simultaneous high inflation and unemployment) have served to unnerve investors and roil equity markets. Lest we fall victim to such hyperbole, I thought that this may be a good time to take a closer look at what is happening to prices in the current economic environment.

Before we get too deep into the numbers, however, it's probably a good idea to review what exactly inflation is, what it is not, and why it is important. Inflation refers to a broad and general rise in the price level, that is, a general increase in the money price of all goods and services. It is not an increase in the

price of a single good or group of goods—even important goods like steel or oil. Such increases are more correctly described as a change in relative prices. Moreover, the economic consequences of inflation are significantly different than those caused by shifts in relative prices.

The effects of inflation depend largely on whether it is anticipated or unanticipated.

Most economists believe that fully anticipated inflation causes relatively few problems in the real economy. If all prices, including nominal wages and nominal returns on investment, rise at some anticipated rate, then relative prices and individuals' purchasing power are largely unaffected. The costs associated with this type of inflation are usually relatively small and result primarily from the inconvenience of holding fewer cash balances and the frequent adjusting of advertised prices. The upward drift in tax payments owing to so-called bracket creep can also be troublesome, but this issue can be addressed with bracket indexation.

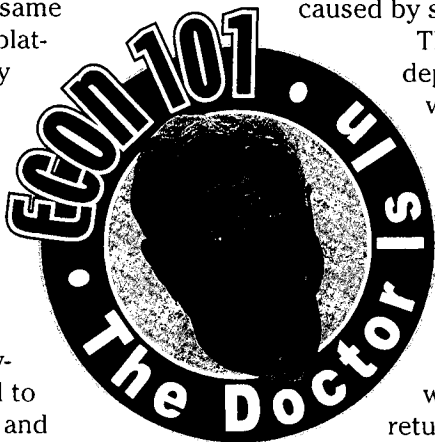
Unanticipated or unexpected inflation, in contrast, is much more

serious. It causes a significant redistribution of real assets from creditors to borrowers and erodes the purchasing power of individuals with fixed return assets. If the unanticipated inflation is severe, it can trigger sharp increases in interest rates, reduced credit availability, more uncertainty, lower investment, less consumption, and slower economic and job growth.

This difference between anticipated and unexpected inflation is a major reason why the Federal Reserve (the Fed) targets low and stable inflation but not zero inflation. Inflation that is low and stable is easier to anticipate and plan for.

Well so much for the brief review of the theory. What is of greater interest is what is actually happening in our economy today. Are we experiencing an unanticipated increase in inflation, a shift in the relative prices of some commodities, or both? And more important, what does it mean and what should we do about it?

Unfortunately, measuring inflation is not as easy as it sounds. There are multitudes of prices, time periods, and methodologies for measuring inflation. Fortunately, the government computes a number of price indexes, but even here there can be discrepancies and confusion.



ALL BUSINESS MATTERS

Preparing for Small Claims Court
to Do If Your Business Is Sued

A neighboring business claims that you damaged its property. A customer alleges that you never delivered his purchase. A supplier argues that you failed to compensate him according to the contract. These are just a few times when you might find yourself in Small Claims Court. Here's what you need

Clerk of the Small Claims Court or
Bar Association.

In every state, the clerk's office of the Small Claims Court or the bar association publishes a guide to the Small Claims process. Small claims procedures vary greatly among states, so it is important to get as much information as you can before responding to a lawsuit.

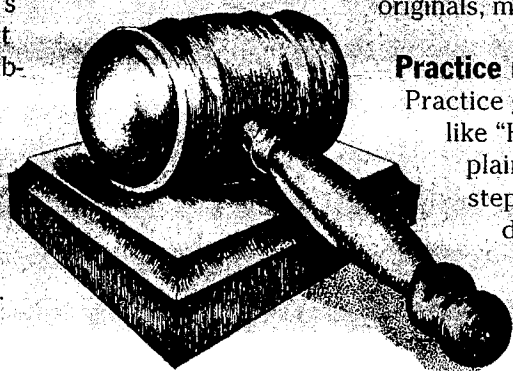
You can find your state bar association on the Internet at www.findlaw.com/06associations/state.html. Call your state's association, ask for the Publications Department, and request a small claims guide.

Build your case.

Before you go to court, collect and organize all documents relevant to your case such as receipts, contracts, and other material that substantiates your point of view. Call the Small Claims Court clerk and ask if the judge requires original documents or if copies suffice. If the judge requires originals, make a copy for yourself.

Practice makes perfect.

Practice giving answers to questions like "How did you respond to the plaintiff's initial request?" or "What steps did you take to resolve the differences between you and the plaintiff?" Ask a trusted friend or relative to play



By Curtis Boykin

ATTORNEY
DOUGLAS BOYKIN & ODEN

These views are solely the author's.

devil's advocate and critique your defense. The more confidence you demonstrate for your own position, the better.

Present your case in court.

The judge will ask both sides to present their arguments. Then both the defendant (you) and the plaintiff will call any witnesses to testify, and the judge will clarify unresolved questions about the case. Finally, the judge will consider who is right. Throughout this process, hold your head high, make eye contact with the judge, and answer questions clearly and concisely. Wear business attire and never argue with the judge!

It's important to be on time for court and to be well prepared and professional—the very qualities that make you a successful business owner.

Curtis A. Boykin, an attorney in Washington, D.C., is with the firm Douglas Boykin & Oden. He advises and counsels small businesses on legal issues.

EXHIBIT 15

uschamber.com

FIGHTING FOR YOUR BUSINESS®

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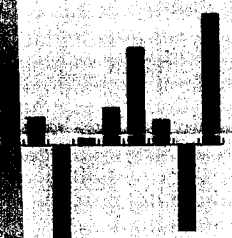
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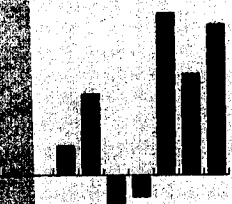
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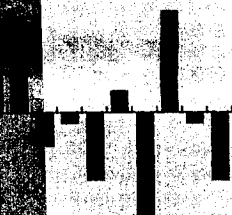
RETAIL SALES



CONSUMER PRICE INDEX



MANUFACTURING PRODUCTION INDEX



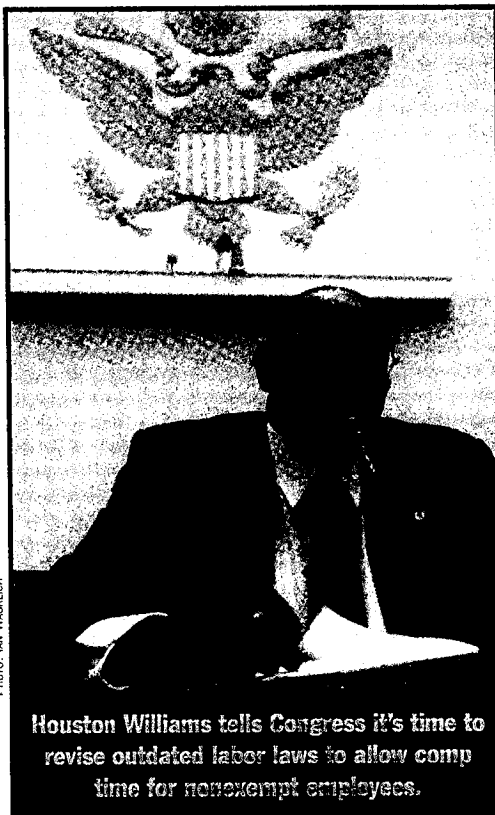
CHAMBER SUPPORTS COMP TIME Fair Labor Standards Act Must Be Modernized

"Instead of stifling creative scheduling arrangements, we should be finding ways to encourage innovative employer-employee partnerships," said U.S. Chamber Small Business Council member Houston Williams in recent testimony before Congress.

Williams, chairman and CEO of PNS Inc., a California-based provider of telecommunications products and services, was testifying on behalf of the Chamber in support of the Family Time Flexibility Act (FTFA), which would bring an end to certain limitations in outdated regulations and grant business owners and workers greater freedom in designing work schedules. Williams also serves on the Chamber's board of directors.

"Demographic changes in the workforce are a major reason why many employees view time off as more valuable than cash payment for overtime work," Williams told the House Education and the Workforce Subcommittee on Workforce Protections on March 12. "In particular, many single mothers and dual-wage earners would welcome this opportunity to spend more time with their families and less on the job."

FTFA would modernize the application of the 65-year-old Fair Labor Standards Act to the private sector by permitting employers to offer their employees the voluntary choice of taking overtime in cash



Houston Williams tells Congress it's time to revise outdated labor laws to allow comp time for nonexempt employees.

payment, as they do today, or in the form of paid time off from work. Under current federal guidelines, providing such an option to employees is illegal except for government employees.

"Identical programs have been available to hourly workers in the public sector for years, and they have stood the test of time," notes Randel Johnson, Chamber vice president for labor, immigration, and employee benefits. "FTFA is a simple, commonsense tool that would guarantee private workers the same rights as government employees. It would allow businesses to better serve their employees, giving them more flexibility in managing their lives and options on how they want to be compensated."

Pat Orzano, owner of a 7-Eleven franchise and a member of the U.S. Chamber Small Business Council, couldn't agree more. She says that FTFA would improve employee-employer relations. "It would promote a more family-oriented working relationship. Business owners would become involved in the lives of their

employees, and workers would learn that employers are willing to listen and accommodate them when possible."

Continued on page 9

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PECK EXHIBIT 15
Offered by Opposer, The Chamber of
Commerce of the United States of America
The Chamber of Commerce of the United
States of America v. United States Hispanic
Chamber of Commerce Foundation
Opposition Number 91/156,321

FEATURED BENEFIT

USCC 54294

Extra Selection and Extra Protection

Virtually all businesses, regardless of size or industry, require two types of basic insurance coverage: Property and General Liability Insurance. AIG BOP combines state-of-the-art property and general liability insurance in a package that is both flexible and cost-efficient.

PAGE
12

AIG

BACKYARD



Chicken—A fatal
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Source: San Diego Business Journal



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Source: Sun-Sentinel



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Source: Press State and Local Wires



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Source: Texas H.B. 3153



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companies.
Source: The Washington Post

CAPITAL ROUNDUP

Economic Stimulus Plan on the Move

BILL NAME	SUMMARY OF BILL AND WHAT IT MEANS TO YOU	U.S. CHAMBER'S POSITION	STATUS
Economic Growth S. 2, The President's Jobs and Economic Growth Package	The president's jobs and growth plan to strengthen the American economy would, among other items, speed up the 2001 tax cuts, encourage job-creating investment by ending the double taxation of dividends and giving small businesses incentives to grow, and provide help for unemployed Americans, including extending unemployment benefits and creating new reemployment accounts.	The U.S. Chamber supports the key elements of this plan: moving up individual rate reductions already passed by Congress, accelerating depreciation and cutting taxes on dividends, and providing additional relief for low- and moderate-income individuals.	 Action Bill returned to committee
Bankruptcy Reform H.R. 975, The Bankruptcy Abuse Prevention and Consumer Protection Act	H.R. 975 would end the present practice of wealthy debtors shielding assets to escape their obligations, while preserving access to bankruptcy protection for legitimate filers. It would also require people with the ability to pay to file under Chapter 13, where courts establish timely repayment plans, instead of Chapter 7, which erases all debts.	The U.S. Chamber is vigorously lobbying for passage of this bill. Contact your senators and urge them to pass this legislation without amendments.	 Senate Vote Approved by House, March
Workforce Issues H.R. 1261, Workforce Reinvestment and Adult Education Act of 2003	This measure would reauthorize a one-stop system for job training and would address key issues for businesses, such as improving the quality and skills of the workforce and their ability to remain competitive.	The U.S. Chamber strongly supports H.R. 1261 and is urging the House and Senate to approve the bill.	 House Vote Approved by House Education and the Workforce Committee, March 2

Information is current as of press time. For the very latest, go to www.uschamber.com/government.

STATUS LEGEND:

Icons denote current status of bills; the text below the icon denotes last action completed by Congress.

WEEKLY UPDATE

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@ www.uschamber.com/info/chamberweekly/join.htm

IN YOUR CORNER

Our Role in the New World Order Relationships, Immigration Key to Prosperity

A faltering global economy and security threats to the free world oblige the United States to aggressively reassert its leadership in building a world order based on collaboration, openness, economic cooperation, immigration, human rights, the rule of law, and democracy.

How do we establish these principles around the world? First, we must create a system in which dissent among nations is as acceptable as dissent within our own country. We must agree to disagree on certain issues without such disagreement destroying our vital relationships and harming our own self-interest.

Second, we must reengage all our key partners in trade and economic development, starting with the Europeans, whose companies employ more than 4 million Americans. Let's also conclude and sign our long-awaited free trade agreement with Chile so that U.S. companies can compete on an equal basis in that market. Swift action

on Chile will likely propel us toward a bigger prize—the Free Trade Area of the Americas. In addition, let's sign the agreement with Singapore; move forward with Australia, Morocco, and other trade opportunities; and facilitate World Trade Organization negotiations.

Finally, we need to move forward with immigration reform so that the American Dream becomes available to all those willing to work for it.

Building mutually dependent economic relationships around the world is an effective way to spread wealth, ensure peace, and eliminate poverty and oppression.



Larry Liebenow
Chairman of the Board
U.S. Chamber of Commerce



FACE-OFF

Does Bush Have the Right Plan? The Search for a National Energy Strategy

Spencer Abraham
Secretary of the Department of Energy

The United States has operated for more than 10 years without a comprehensive national energy strategy, despite long-term challenges that need to be addressed. A national energy plan was one of the administration's first priorities and seeks to address the need for increasing America's energy independence with a commitment to environmental protection and continued economic prosperity. The goal is to diversify sources of energy as well as update the infrastructure to deliver such energy.

The comprehensive energy legislation recently passed by the House includes key provisions that bring the United States closer to energy independence. This bill would free us from the effects of harmful emissions and lessen our dependence on foreign oil through the administration's hydrogen fuel and infrastructure program.

Congressional endorsement of the president's hydrogen program is a positive step toward dramatically reducing our dependency on foreign sources of energy. We believe that the hydrogen economy of the future. For the United States, the FreedomCAR and Hydrogen Fuel programs mean surmounting the twin challenges of dependence on foreign oil and harmful emissions and pollutants and greenhouse gases. For the world, the challenge means that whole new industries will be created, industries extending beyond automobiles.

The bill will improve the nation's energy and economic security, will help create jobs and benefit consumers by reducing environmental protection, increasing energy efficiency by expanding energy efficiency by expanding energy efficiency by expanding new technologies and renewable energy sources. The bill needs action on a national energy plan that addresses the challenges of tomorrow.

Rep. Edward J. Markey (D-MA)

Member of the House Energy & Commerce Committee

The Energy Security Act of 2003 fails to protect our national security, economy, and environment. Its centerpiece is drilling in the Arctic National Wildlife Refuge (ANWR). The amount of economically recoverable oil considered likely to be found in ANWR is small compared to our daily consumption and cannot significantly reduce our foreign oil addiction. We consume 25% of the world's oil but control only 3% of the world's reserves.

Even as the world's technological giant, we have not tapped the potential of increasing energy efficiency of appliances or automobiles. The potential is much larger than for new supply in ANWR. For example, 14 years ago, the fleet-wide average fuel economy of all new passenger vehicles sold in America was around 26.2 mpg. That was 1987. Today, our automobile fuel economy has actually gone backward! The fleet-wide average has slid down, not up. It has now fallen back to 24.5 mpg—levels last seen in 1981. If we increase our overall fuel economy by just the difference between these two numbers—1.7 mpg—we will save more oil than is expected to be economically recoverable from ANWR.

This Energy Security Act passed by the House fails the two major selling points of its proponents—it fails to reduce our dependence on foreign oil, and it does not tap the most plentiful resource this country has to offer—technological advancement to create more efficient automobiles and appliances. If our concern about energy supply becomes an excuse for the energy industry to lay claim to public treasures such as ANWR, we will have failed twice—we will remain just as dependent on oil for our energy future and will have hastened the demise of a unique ecosystem.

<http://www.house.gov/markey>

QUIPS

Heard In and Around
The U.S. Chamber

“The Chamber’s Josten helps [key business advisor Karl] Rove and the many and sometimes conflicting wishes of various industries. Josten and I are in touch every few days and meet monthly.”

—The Washington Post, May 1, 2003

“For nearly a century, no business-lobbying group has had a higher profile in Washington than the U.S. Chamber of Commerce.”

—National Journal, May 1, 2003

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CHAMBER OF COMMERCE
OF THE UNITED STATES



ATURE

Transitioning
Veterans to Jobs

For military personnel and their families, making the transition from a highly structured work environment to a civilian workplace can be difficult.

To make this change easier, the U.S. Chamber's Center for Workforce Preparation (CWP) is partnering with the Veterans of Foreign Wars and the San Diego Regional Chamber of Commerce to spearhead Operation Transition. This program, based in San Diego, California—home to a large military installation—provides displaced military spouses, federal workers, and reservists with training programs, counseling, and community support so that they can successfully make the change to the civilian workforce.

"A key part of this is to identify transferable skills," says Tonda Williams, who is heading the project for CWP. "There are many skills that are learned in the military that can be used in the private sector. It's a matter of figuring out what those skills are and identifying any gaps that can be addressed through education and training."

One of the program's goals is recognizing ways that the military culture can be changed to foster personal growth beyond service. It also seeks to strengthen community support systems, such as child care, transportation, and housing. The need for these systems cuts across economic spectrums, but it tends to fall harder on enlisted men without a college education, Williams points out.

"The great news is that businesses are willing to support the troops and help the servicemen and service-women in any way that they can," says Williams. In fact, CWP is working closely with businesses, government agencies, and education groups to assess and consolidate existing programs. The CWP is also promoting two unrelated but similar programs that are under way in Hampton Roads, Virginia, and Clarksville, Tennessee, and hopes that the Department of Labor will agree to fund a second CWP-led program.

FEATURE

Fighting for Jobs and Economic Growth
Chamber Lobbies for President's Plan

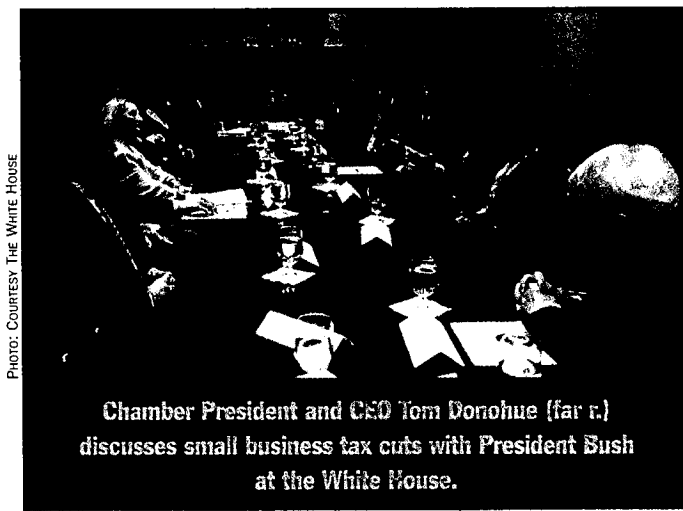
Proving the adage that you shouldn't believe everything you read, media accounts that President Bush has given up on his jobs and economic growth plan and that Congress has firmly decided it will not pass more than \$350 billion in tax cuts are not accurate.

"The fight for the president's jobs and economic growth plan is now going into full gear," says Bruce Josten, Chamber executive vice president for government affairs. "With strong lobbying from our members, we can encourage Congress to approve the full funding needed to create more jobs and provide tax relief for Americans."

As Congress continues the debate, the Chamber will support the president in pushing for the highest possible level of tax relief, underscoring the significant weaknesses in America's current economic performance. While the Senate has signaled its refusal to buy off on the president's entire package, most House Republicans feel equally strongly that a tax cut as small as \$350 billion would not have a meaningful impact on the economy.

Although there are as many different numbers on the size of the tax cut that can ultimately be approved by Congress as there are presidential candidates, the Chamber argues that the debate isn't about numbers—it's about enacting tax policies that boost the sputtering economy. "Our economy is growing, but not at the level we need in order to create jobs," Josten explains. "It is unfortunate that so many in Congress want to scale back and delay needed tax relief and reform. They are the ones who must answer to businesses and workers who today are struggling to stay afloat."

Critics of the plan have focused on its impact on federal deficits, especially in light of the war in Iraq and increased security efforts. "We don't have anemic economic growth because of deficits, we have deficits because of anemic economic growth and wasteful government spending," Josten asserts. "The best way to address the deficit is to control federal spending and lift economic growth to its job-creating potential with the president's timely, well-balanced tax plan."



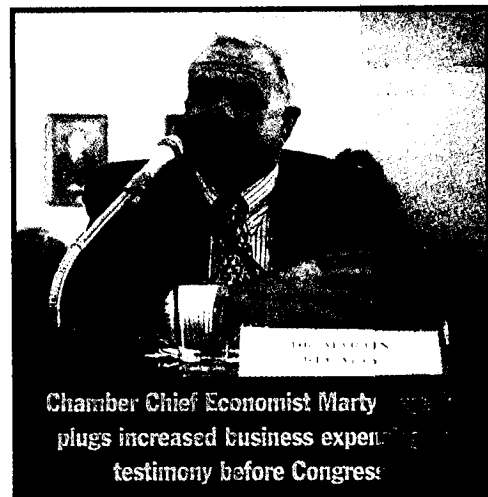
Chamber President and CEO Tom Donohue (far r.) discusses small business tax cuts with President Bush at the White House.

PHOTO: COURTESY THE WHITE HOUSE

Under the president's jobs and growth plan, 92 million Americans would receive a tax cut on average of \$1,083 in 2003. Americans would also benefit from speeding up the implementation of the 2001 tax cuts, ending the double taxation of dividends, reducing the marriage penalty tax, increasing the child care credit to \$1,000 per child, and creating personal reemployment accounts to help displaced workers get back on the job.

One component of the president's plan that is particularly critical to small business is amending Section 179 of the tax code by increasing annual deductions for capital purchases, including computers, machinery, and equipment used in a business, from \$25,000 to \$75,000.

At present, the expensing provision of the tax code is neutral for annual capital asset investments between \$25,000 and \$200,000. But for any investment surpassing \$200,000, small-business owners are penalized, dollar for dollar, from expensing the initial \$25,000. This especially harms new businesses facing start-up costs, the very time when expensing matters most. With the revisions, however, small businesses would be able to invest up to \$325,000 before facing any disincentive.



Chamber Chief Economist Marty plugs increased business expensing testimony before Congress.

PHOTO: MIKE DUNN



www.economicgrowthnow.com

Full State of Activities to Support President's Plan

The U.S. Chamber of Commerce is actively promoting the president's jobs and economic growth plan. The Chamber is working with its members and other business groups to lobby Congress and the public to support the plan. The Chamber is also providing information and resources to help businesses understand the plan and its benefits. The Chamber is committed to ensuring that the plan is implemented as quickly as possible to create jobs and stimulate economic growth.

Web Sites: The Chamber has created a dedicated web site, www.EconomicGrowthNow.com, to urge business leaders and the public to support the plan. The site provides information on the plan's benefits and offers a platform for businesses to voice their support.

Communications: The Chamber is using a variety of media to promote the plan, including press releases, news stories, and television appearances. The Chamber is also holding public events and forums to discuss the plan and its impact on the economy.

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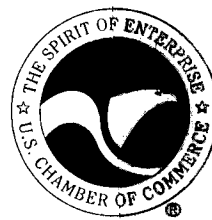
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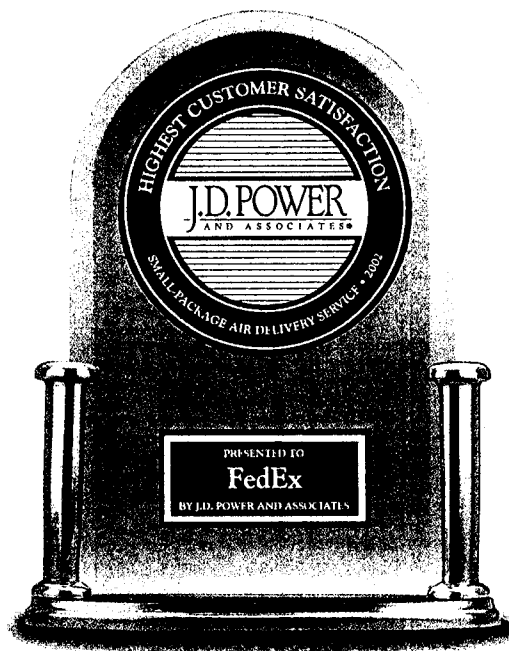
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FEATURE

Earning Interest on Business Checking Small Companies Have Much to Gain

A Depression-era law forbidding banks to pay interest on commercial checking accounts may soon be history due to an aggressive lobbying effort by the U.S. Chamber. Its repeal would open the door to a lucrative opportunity for small businesses.

The House of Representatives recently passed legislation that would overturn a current law and provide banks with another means of accommodating their small-business customers.

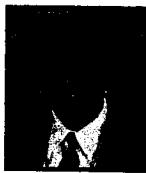
"This would correct the discrepancy that allows banks to pay interest on personal checking accounts but not on business accounts,"

says Elizabeth Rogers, Chamber senior manager of congressional and public affairs.

This legislation would also force banks to compete for customers on the open market, leading to greater flexibility and more options tailored to specific business needs. "By ensuring competition and allowing interest payments on business checking accounts, this provision offers an important opportunity for companies and fosters a more

"Maintaining the ban would continue to place small businesses at a disadvantage."

—The Chamber's Giovanni Coratolo



complete relationship between small-business owners and their financial service providers," notes Giovanni Coratolo, director of small-business policy for the Chamber.

The revision would also extend the advantages of economies of scale. Under current guidelines, smaller businesses are not typically able to take advantage of the complex banking mechanisms used by many industries to receive interest or competitive rates of return. Coratolo adds, "Maintaining

the ban would continue to place small businesses at a disadvantage without any rationale."

For the past two years, similar proposals have passed the House. In both cases, the Senate failed to act on the legislation before adjourning. The bill now heads to the Senate, where the Chamber will aggressively lobby for its passage.

FEATURE

House Passes Bankruptcy Reform Businesses Could Recoup Millions

The days of businesses being bilked by wealthy debtors exploiting loopholes in bankruptcy law may soon be ending thanks to U.S. Chamber-backed legislation recently passed by the House.

Reform of our nation's bankruptcy laws is urgently needed," says Tom Donohue, Chamber president and CEO. "It is essential to bring a sense of personal responsibility, which is unmistakably missing, back into a critically flawed system."

While preserving access to bankruptcy protection for legitimate filers, the new law would end the present practice of wealthy debtors filing under Chapter 7, which allows them to shield assets and escape their obligations. If the legislation is passed by the Senate and signed by the president, wealthy debtors who are allowed to repay part of their debts would be required to do so under Chapter 13. The courts would establish timely repayment plans, putting an end to present abuse.

According to Joseph Rubin, the Chamber's director of congressional and public affairs, "The bill is fair to debtors, while it also stops the very rich from exploiting the system to

discharge their debts and leaving everyone else holding the bag."

The number of bankruptcy declarations has skyrocketed from 348,000 to 1.4 million during the last 15 years. Every year, businesses swallow nearly \$40 billion in losses

related to bankruptcy filings. This translates into higher prices and added expenses, costing the average American family \$400 a year.

In November 2002, the House passed a similar bill, but the Senate failed to vote before Congress adjourned. This time around, however, things are expected to go differently.

Rubin notes that "prospects for passage of this important legislation are excellent. The House overwhelmingly passed bankruptcy reform by a vote of 315-113, with 90 Democrats supporting passage. A bipartisan group of senators is pushing the Senate to take up the bill soon."

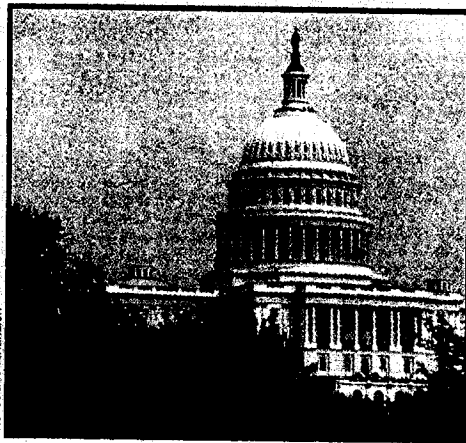


PHOTO: JAY WAGNER



FEATURE

Chao Focuses Compliance Assistance

Secretary Elaine Chao approaches challenges much like the Chamber," said U.S. Chamber President and CEO Tom Donohue.

"She doesn't just talk the talk,

she walks the walk to explore new ideas and regulations that will no longer make sense."

In her April 21 visit to the Chamber's headquarters in Washington, D.C., Chao praised the Chamber's leadership in working with the Department of Labor to make laws easier to understand. "I'm delighted the Chamber played a key role in reviewing laws, an initiative I've sponsored on the Web site sponsored by the Chamber that will help employers identify which of the many laws apply to them."

Since taking office, Chao has worked hard to implement a program to change the attitude within DOL, institutionalizing a culture of compliance assistance because most employers need help doing so.

According to Chao, in the past, the responsibility for understanding the numerous labor laws has fallen on employers. Small businesses could hire bankruptcy lawyers to make sure they comply, and small businesses faced a distinct disadvantage.

In addition to the creation of a permanent office of compliance assistance within the DOL, Chao has released a number of materials to help employers. "Our new publication and pamphlets explain laws concisely and in plain English." Of notable interest is the *Employment Law Guide*, which, in a single volume, provides up-to-date information on the most common regulations affecting employers. It can be ordered online at www.dol.gov/asp/programs/guide.htm.

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F E A T U R E

Revitalizing Travel and Tourism Industry Success Tied to America's Economy

Representatives from a travel and tourism industry still reeling from the events of 9/11, military action in Afghanistan and Iraq, and widespread panic over SARS, gathered recently at the U.S. Chamber and quickly agreed that a plan of action was desperately needed to revitalize this key American industry.

The National Chamber Foundation's (NCF) "Re-Igniting Growth in Travel and Tourism" conference on April 9 was co-chaired by Tom Donohue, Chamber president and CEO, and Jonathan Tisch, chairman of the Travel Business Roundtable and chairman and CEO of Loews Hotels.

The meeting helped facilitate the dialogue by bringing together leaders from all sectors of the economy affected by the decline in travel and tourism and senior government officials. Kicking off the day's event, Donohue explained to the audience why the Chamber was participating: "We're involved in this important issue because travel and tourism is an indispensable ingredient to our overall economic health."

Trickling Down

Eighteen million Americans are employed directly or indirectly in travel and tourism-related jobs, and half the jobs lost since 9/11 have been in those sectors of the economy. "So how do we strengthen the travel and tourism industry and, by extension, our economy?" Donohue asked. "Essentially, it boils down to getting America moving again. Businesses should end travel bans on their employees, and travelers should make plans and follow through with vacations."

Travel and tourism is one of the three largest industries in 29 states. And a stagnant travel and tourism industry hurts not just large businesses like major hotel chains and airlines but the many small businesses associated with travel. Atlanta Mayor Shirley Franklin, citing the 375,000 jobs lost in her city alone since 9/11 said, "The health of our economy is intertwined with tourism." She added that "95% of travel and tourism ventures are small businesses, 23% are owned by women, 14% by minorities."

Balancing Security and Growth

Everyone—from leaders in the House and the Senate to airline executives—acknowledged that the travel industry would forever be changed by the events of 9/11. "If you think we're going back to the way we did business in the 1980s or '90s, you're badly mistaken," said Steven Anderson, president and CEO of the National Restaurant Association. "The millennium began on September 11."

But the travel and tourism industry's need to adapt to a new security environment does not mean it will be permanently crippled. According to David L. Neeleman, CEO and director of JetBlue Airways Corporation, the key to growth lies in restoring confidence. He proudly noted that JetBlue led the way on locks on cabin doors, cameras in the cabin, and further inspection of baggage.

Other regulations have a steep effect on business long before tickets are even purchased. In particular, whether law-abiding business travelers or vacationers receive visas on a timely basis can have a deep impact on sales. Maura Harty, assistant secretary for consular affairs at the U.S. Department of State, outlined measures that are being taken to secure American borders without impeding foreign sources of revenue. "We want to facilitate legitimate travel ... [because] these visits have an immense and extreme importance to our economy," she told the crowd.

Also of issue are gratuitous fees that do nothing to protect security but add significant costs to the price of airline travel. According to Herbert D. Kelleher, chairman of Southwest Airlines, these fees can be eliminated, leaving airline travel just as safe and more affordable. "Thirty-two percent of every ticket [sale] goes to satisfying federal requirements [alone]. We could make our tickets even cheaper."

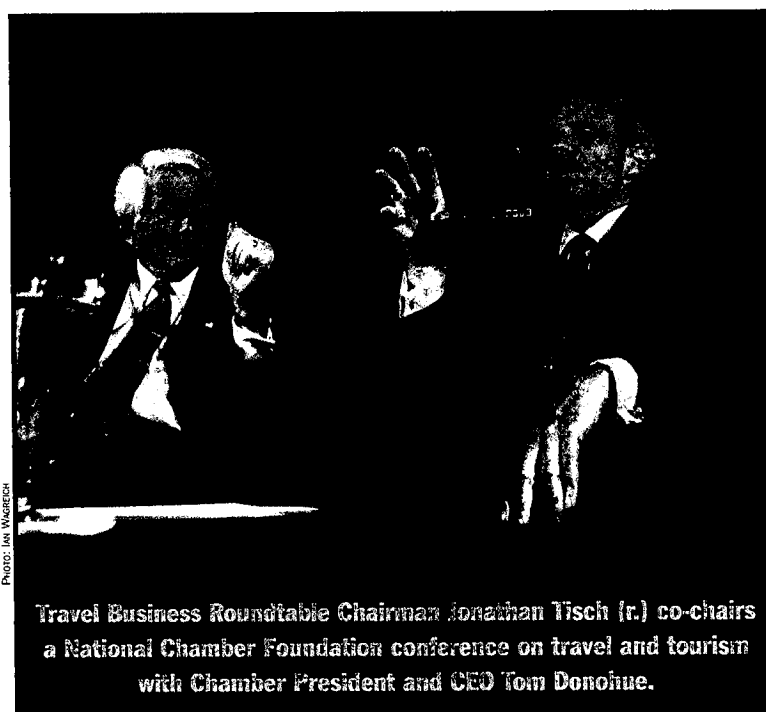
Prospects for Success

Many officials who were present pledged their support for the Chamber's agenda. U.S. Department of Commerce Secretary Donald Evans said, "This administration is committed to working with the travel and tourism industry. We want to see the wind at your backs once again."

Several mayors, a bipartisan group of leaders from the House and Senate, and Secretary of the Interior Gail Norton attended in support of the Chamber's program. For many who were present, the conclusion of the event marked a beginning, not an end. As Sen. Harry Reid (D-NV) remarked, "I applaud the people who put this together. This should be only the start of a similar discussion across the country."

Photo: Ian Wadsworth

Atlanta Mayor Shirley
describes how falling travel
sales are affecting her city



Travel Business Roundtable Chairman Jonathan Tisch (r.) co-chairs a National Chamber Foundation conference on travel and tourism with Chamber President and CEO Tom Donohue.

FEATURE

Legal Reform Efforts Intensify Progress Made in Several Areas

From class action abuse to out-of-control asbestos litigation, the U.S. Chamber's Institute for Legal Reform (ILR) is stepping up its efforts to reform America's federal and state legal systems.

On the federal level, the Chamber is aggressively encouraging Congress to put an end to frivolous asbestos litigation that has already bankrupted more than 60 businesses and put more than 60,000 people out of work.

Asbestos lawsuits have skyrocketed from 21,000 claims in 1982 to more than 600,000 today. Increasingly, suits are being filed on behalf of claimants who are not even sick—in fact, more than 80% of the claims filed last year were on behalf of plaintiffs who have not been injured.

Reform of the class action system is another top priority. The Chamber and ILR are strongly backing legislation that would make it easier to move large, multistate class actions to federal court instead of state court to prevent plaintiffs' attorneys from handpicking state courts that are likely to be sympathetic to their cases. Matthew Webb, director of legal policy for ILR, put it this way:

"There are just a handful of courts around the country that are setting national policy."

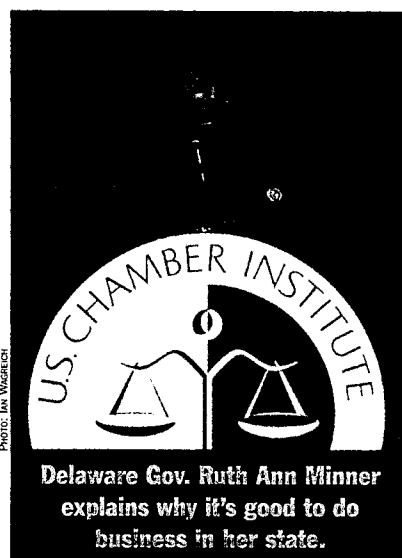
—ILR's Matthew Webb

"There are just a handful of courts around the country that are setting national policy."

ILR is also engaged in an aggressive effort to encourage reform

of the worst state legal systems identified in a recent Harris Poll. Last year, by drawing attention to Mississippi's unfair legal system, the Chamber proved instrumental in pushing the state Legislature to pass meaningful reform. Recently, the Chamber, in conjunction with state and local affiliates, has been focusing its efforts on West Virginia and is planning to highlight other states with notoriously unfair legal systems.

For a profile of ILR's new president, Lisa Rickard, see *Working for You* on page 12.



FEATURE

Health Care Reform Proposals on Health Care Reducing Liability and Increasing Access

Health care issues are heating up on Capitol Hill, which instills either optimism or dread depending on your confidence in Congress' ability to contribute successful solutions to the health care challenges facing our nation.

The U.S. Chamber will continue to oppose legislation that would expand employer liability. Expensive mandates on businesses, it is supporting three proposals that will make health care more affordable and help keep costs

The HELP Act. The Help Efficient, Accessible, and Low-cost Health Care Act of 2003 would reduce economic damages in medical malpractice involving malicious intent and reckless behavior. It would help stem the tide of rapidly escalating costs by curbing frivolous lawsuits. The bill has been introduced in Congress and is awaiting action.

The Business Health Fairness Act. This bill would require groups of employers, such as associations and chambers of commerce, to offer health coverage to their members. These association health

plans would extend advantages, such as economies of scale and administrative savings and flexibility, enjoyed by large employers to small employers, while still ensuring the protection afforded by federal ERISA laws. The bill is before the House Education and the Workforce Committee.

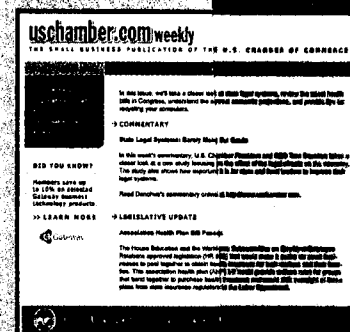
The SAVE Act. The Securing Access, Value, and Equity in Health Care Act would provide \$1,000–\$3,000 in refundable tax credits to individuals and families to be used to pay health premiums.

"This proposal would make purchased policies far more affordable and would preserve access to coverage that millions of working families now have through their jobs," says Carolyn Hicks, Chamber director of congressional and public affairs. This legislation is before the House Ways and Means Committee.



FEATURE

Extra! Extra! us chamber Weekly



Wish you could get small business tips, trends and legislative updates from *us chamber Weekly* every week in addition to once a month?

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- introduce you to opinion pieces by Tom Donohue, and
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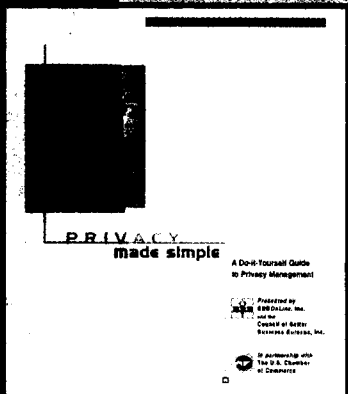
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FEATURE

Privacy Made Simple



very popular demand, the U.S. Chamber and the Small Business Administration have released the second edition of *Privacy Made Simple*, a do-it-yourself guide to online privacy management that addresses put top privacy guidelines in *Privacy Made Simple* comprehensive issues that companies face and provides solutions to real-world problems. The 57-page handbook covers a wide range of topics, including a general and state-by-state section on privacy and children's privacy, steps to develop privacy guidelines, and book points of a privacy policy to educate consumers about the actual privacy policy of your company. It also addresses basic information that information owners should know it is used, how information is shared with third parties, and how to govern the data. It also outlines whether a company's privacy policy is compliant with the Federal Trade Commission's guidelines in the handbook. Seeking approval from the Federal Trade Commission's privacy guidelines, such as the Fair Information Practices Act, is a key step. The Small Business Administration notes that nearly 80 percent of small businesses are more likely to have an online privacy policy than a company that does not. Better Privacy Management OnLine is available on the U.S. Chamber's Web site at www.uschamber.com/resources/privacy.htm. To improve your privacy practices today, request your copy of

at www.uschamber.com/resources/privacy.htm.

FEATURE

Tax Credits for Urban and Rural Areas Do You Qualify?

Are you making the most of the federal tax credits available in your community? If you operate a business in an urban or rural area, you may be eligible for significant tax credits.

The U.S. Department of Housing and Urban Development (HUD) is encouraging private industry to prosper in distressed areas designated as empowerment zones and renewal communities. Through a \$22 billion tax-incentive package, HUD's goal is to prompt the business community to open new businesses, create jobs, and rehabilitate and build housing. Specific tax incentives that are part of this package include the following:

Empowerment Zone Employment Credit—This is an annual credit against federal taxes of up to \$3,000 for each existing employee and new hire who lives and works in the empowerment zone. A \$1,500 employment credit exists for renewal communities.

Environmental Cleanup Cost Deduction—A business may deduct qualified cleanup costs of hazardous substances in certain areas—known as Brownfields—for the tax year the business pays or incurs the costs.

Zero Percent Capital Gains Rate for Renewal Community Assets—Any business that holds for a minimum of five years a renewal community asset

acquired between January 1, 2002, and December 31, 2009, will not have to include in its gross income any qualified capital gain from the sale or exchange of the asset.

A little education on renewal initiative tax credits goes a long way toward helping your bottom line. To learn more about eligibility and other tax credits, visit the HUD Web

site at www.hud.gov and the IRS Web site at www.irs.gov.



FEATURE

The Vital Transportation Link Critical Study Shows Key Ports Outdated

Without the adoption of a comprehensive national freight policy, nation's seaports and associated rail and highway infrastructure soon be overwhelmed by enormous volumes of freight arriving from America's docks.

The U.S. Chamber of Commerce released a report titled "2002 Freight and Infrastructure: A Study of the U.S. Freight System and the Need for a National Freight Policy." The report was prepared by the U.S. Chamber of Commerce and the U.S. Department of Transportation. It highlights the need for a national freight policy to address the growing volume of freight and the outdated infrastructure that cannot handle it. The report also discusses the impact of freight on the economy and the environment.



However, inadequate investment, incoherent and burdensome regulations, antiquated technology, and failure to modernize infrastructure are preventing the system from being able to handle the growing needs. Without such investments, the system could move from being a competitive advantage to a major liability.

The report recommends a number of actions to improve the freight system, including: developing a national freight policy, investing in infrastructure, modernizing regulations, and improving technology. It also calls for a comprehensive study of the freight system to identify areas for improvement and to develop a long-term plan for the future.

MEMBER BENEFIT



WE KNOW SMALL BUSINESSES.

More than ever, it is critical that you protect yourself and your small business from risks ranging from professional liability and environmental liability exposures to sexual harassment claims and property losses. And, you need to secure coverage that makes sense for your bottom line from an insurer who has the experience and financial strength to cover you when the unthinkable happens.

The member companies of AIG are leading providers of insurance to small and medium-sized businesses, and the preferred providers of business and personal insurance the U.S. Chamber of Commerce has chosen to endorse for its members. We provide insurance products and services capable of addressing many of your risks and exposures. We work with you to address your unique concerns and tailor a policy to fit your needs—large or small, conventional or unconventional.

For information on our Business Owners Program, please see the reverse side of this page. For information on the numerous products and services from the member companies of AIG, please call 866-244-7950 or e-mail us at service@uschamber-aig.com.



USCC 54302

AIG

WE KNOW MONEY.

Insurance underwritten by member companies of American International Group, Inc. (AIG). The description herein is a summary only. It does not include all terms, conditions and exclusions of the policies described. Please refer to actual policies for complete details of coverage and exclusions. Insurance may not be available in all jurisdictions.

MEMBER BENEFIT

WHICH PROPERTY AND GENERAL LIABILITY PROGRAM YOU CHOOSE SHOULD BE TOO.

The member companies of American International Group, Inc. (AIG) combine state-of-the-art property and general liability insurance in one very flexible and cost-efficient program called AIG Business Owners Program (AIG BOP).

AIG BOP Property Insurance provides broad protection for your building and business personal property and includes as "standard" many features other policies don't. AIG BOP General Liability Insurance protects against the financial damage inflicted by third-party liability claims, including claims for bodily injury, property damage, personal and advertising injury arising from your products, operations or premises.

AIG BOP also makes it easy for you to incorporate other essential business coverages—including automobile, employment practices liability and professional liability insurance—side-by-side in the same optional package. Qualified U.S. Chamber members may receive even more coverage, including enhanced general liability protection, higher limits for money and securities, and coverage for Electronic Data Processing Equipment damaged due to a mechanical or electrical breakdown.

U.S. Chamber Insurance Agency Services is the exclusive provider of AIG BOP to U.S. Chamber members. For more information on AIG BOP or other products offered by the member companies of AIG, please call 800 244-7950 or e-mail us at service@uschamber-aig.com.

www.uschamber-aig.com

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WE KNOW MONEY.

Insurance underwritten by member companies of American International Group, Inc. (AIG). The description herein is a summary only. It does not include all terms, conditions and exclusions of the policies described. Please refer to actual policies for complete details of coverage and exclusions. Insurance may not be available in all jurisdictions.

FEATURE STORY

Revising Outdated Labor Laws

Continued from cover

She adds, "FTFA would also be good for business, because employees include a number of working mothers. This would allow them the option of not having their paycheck cut when they take extra time off to care for their kids."

FTFA is expected to reach the floor of the House in May. If passed by the House and Senate and signed by the president, it will undergo a five-year trial period, affording Congress an opportunity to renew the program and fix any unforeseeable problems that arise. The legis-

lation also ensures that the choice for employees between overtime pay and comp time would be voluntary. Noting the built-in safeguards,

"FTFA would promote a more family-oriented working relationship."

—7-Eleven franchise owner Pat Orzano

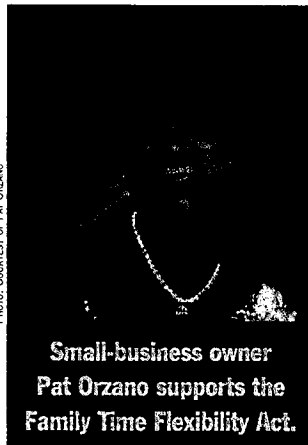
Johnson calls the legislation "a useful tool in helping employers

keep their employees satisfied with their work arrangements."

Williams summed up his testimony best when he told members of the subcommittee that "given the compelling need for more flexibility in the workplace, the worst thing Congress could do is nothing." That statement no doubt would cause a

cheer among thousands of hard-pressed, time-strapped workers and small-business owners.

For more information, a transcript of Houston Williams complete testimony on FTFA can be found at www.uschamber.com/press/testimony/030312_hr1119.htm.



Small-business owner Pat Orzano supports the Family Time Flexibility Act.

SUCCESS INSIGHT

Major Supplier

ing by Heart Makes a Difference

Losing a major supplier can often spell the difference between success and failure.

Steven Cohen, owner of Jason's Music Center (Jason's), one of Maryland's largest piano and musical

instruments, found the loss of one of the greatest challenges in more than 20 years in the music business.

Jason's main supplier was a dealer. This supplier provided for about 80% of the piano sales and 65% of the income. Though Jason's was a dealer in the United States, he sold this line of pianos for years—it was a

major supplier. Cohen would not have been able to sell another brand of pianos without the right for a supplier to compete.

With the loss of his main supplier, however, he did not want to stay in business with a staff. We all just

kept working and working the way we were going to get through this. We're going to thrive," recalls Cohen.

Cohen recovered from the loss of his main supplier through innovative marketing and community outreach.

He recovered the loss by shifting the company's focus to the sales of pianos from the remaining income. The company accomplished this through a five marketing program—the Public

Program—which provides area schools

with new pianos for one year. In exchange, the schools promote the sale of the pianos at the end of the year. Jason's receives publicity through letters to students and faculty and in acknowledgements in music programs year-round.

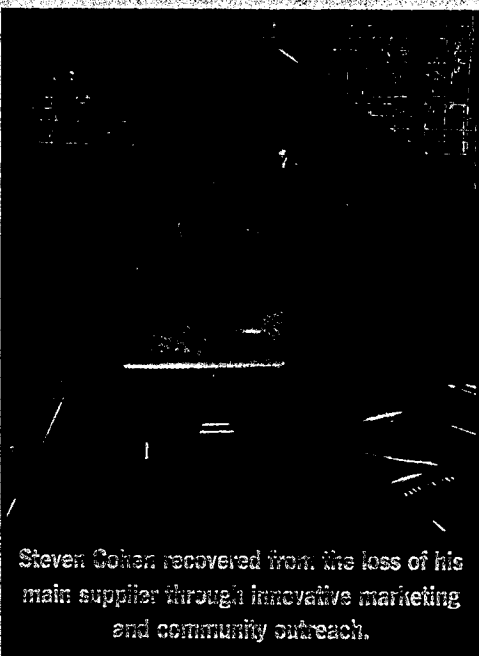
"The good will generated by these instrument loans has produced enough additional sales to keep us going," says Cohen. "Best of all, it's a win-win for all involved. The students get top-notch, brand new pianos. The supplier gets great exposure. The customers get reduced prices, since the pianos were used for a year. And I get a great deal of publicity and sales while helping the community."

To date, the program has loaned more than \$1 million in pianos to area public, private, and parochial schools as well as to churches and hospitals. The program will expand in the coming months to include seven counties, with plans to go national. This summer, Cohen will host a seminar for dealers from across the country on how to imple-

ment such a program in their communities.

For all involved, the program has been a success. Cohen anticipates the piano loan program will account for more than \$1.2 million of his sales in FY 2003.

If you have a come-from-behind success, e-mail your 350-word story to binscoe@uschamber.com, fax to 202-463-5707, or call Brent Inscow at 202-463-3141.



Steven Cohen recovered from the loss of his main supplier through innovative marketing and community outreach.

MEMBER FACTS

Steven Cohen
Jason's Music Center, Inc.
Baltimore, MD

U.S. CHAMBER MEMBER SINCE: 1994
COMPANY FOUNDED: 1937
NUMBER OF EMPLOYEES: 12

ADDRESS: 8230 Ritchie Highway
Pasadena, MD 21122
PHONE NUMBER: 410-647-3442

FEATURE

Meet Your N
Representat

The U.S. Chamber of Commerce, in conjunction with its local chambers, is sponsoring a series of Freshmen forums to welcome newly elected members of Congress and introduce them to the business community.

"The forums are a great way for us to develop stronger relationships with local business leaders," says Rep. Rob Bishop (R-Utah), who spoke to business leaders at the Air Force contractors' Chamber of Commerce February 20 forum. "There's no substitute for one-on-one contact with constituents. It was a great way to share my experience with local leaders and get their feedback."

Upcoming events include:

- May 19: Reading, Rep. Jim Gerlach (R-Ohio), 8:00 a.m.-9:30 a.m. RSVP to 800-344-5700
- May 28: Laconia, Rep. Jeb Bradley (R-N.H.), 7:30 a.m.-9:00 a.m. RSVP to 401-333-2500

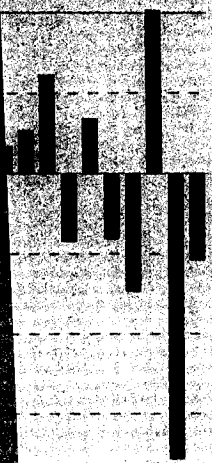
Forums are added regularly, so log onto www.uschamber.com/events for the information. The forums are open to members of all local chambers of commerce. Reserve your seat today!

Outrage of
The MonthThe Businessperson's
Burden

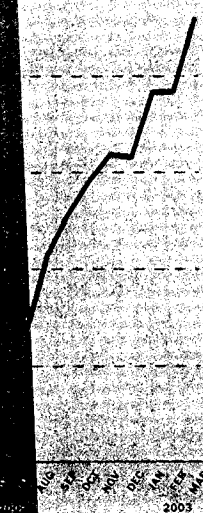
Most businesspeople don't have a few minutes to spare, much less 8.2 billion hours. But that's how long it takes Americans to fill out paperwork annually, according to the General Accounting Office, and it seems to be getting longer every year. In FY 2002, federal agencies created an additional 500 million hours over last year's total. Not surprisingly, the Internal Revenue Service was responsible for 81.1% of the total hours spent, which costs the economy a whopping \$230 billion a year.

Source: National Journal's Technology Daily, April 10, 2003

ARTS 101

Employees on
Payrolls


Average Weekly Earnings



Martin Regalia: ECON 101

Labor Markets: What Are They

One of the best indicators of economic activity is the labor market. How many new jobs are there?

How many people are employed? How much do they earn? And what are the prospects for advancement? Answers to these questions affect our forecast for income growth, consumer confidence, consumption, investment, and, ultimately, GDP growth.

Unfortunately, when we look at these measures today, we get a hodgepodge of mixed signals—job growth is negative but the unemployment rate doesn't rise, the average workweek and weekly earnings are up, but more workers get discouraged and quit looking for work. What does all this mean? How can we make sense of these numbers?

Perhaps the best place to start is with the numbers themselves. We get information on the labor markets from the Bureau of Labor Statistics (BLS), and it gets the information through two separate surveys. The Current Population Survey (CPS) asks 60,000 households each month about its employment status—are you working, are you looking for work, are you available for work, etc. From this survey, BLS estimates the number of employed and unemployed people, the size of the labor force, and the

unemployment rate. The Current Employment Statistics (CES) survey, on the other hand, goes monthly to 300,000 business establishments and asks questions about the number of jobs, hours worked, and earnings.

There are a couple of important things to remember about the information derived from these surveys. They are estimates, not an actual count. Because the surveys use a sample from the population rather than the entire population, they are subject to sampling variation. In addition, although both surveys ask about conditions in the labor markets, the questions and the samples are different. Thus, while the information should paint a similar picture over time, the individual brushstrokes may vary in the short run.

For example, the CES records part-time employment as a job, and in similar and consistent fashion, the CPS includes an individual employed part time as employed. No problem, right? Not necessarily! Suppose two establishments each employ the same individual part time? The CES survey would indicate two jobs, but the CPS would indicate only one employed worker! Similarly, if the economy turned down and both part-

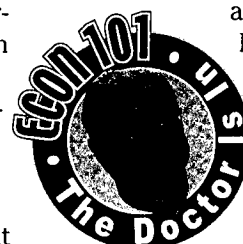
time jobs were eliminated, the CES survey would show two jobs lost, but the CPS would show only one additional unemployed person.

Another interesting anomaly occurs when individuals stop looking for work. The CPS survey counts people with a full- or part-time job as employed and labels those individuals without a job, but looking and available for work, as unemployed.

Moreover, it defines the labor force as composed of the employed plus the unemployed and calculates the unemployment rate as the ratio of unemployed to the labor force.

Thus, if we had 8 people with a job and 2 people unemployed but looking for work, the labor force would equal 10 (8+2) and the unemployment rate would be 20% (2/10).

Now, suppose the economy deteriorates and one of the unemployed people gets discouraged and stops looking for work. Because the individual is no longer "looking for work," the CPS survey would remove that individual from the ranks both of the unemployed and the labor force. Returning to our numerical example, we would still have 8 people employed, but now we would have 1 person unemployed and 1 person discouraged and not looking for work. The calculation of the labor force would be 9 (8+1), and the unemploy-



L BUSINESS MATTERS

Doing Federal Contracts
Business With the Government

The federal government procures more than \$200 billion in goods and services annually, and that amount will continue to increase. With the commercial economy slowing, businesses looking to the federal government as a source of revenue. Unfortunately, marketing to the federal government and wading through a mass of regulations and paperwork is especially with the limited resources of a small business. The following information will help you navigate the system and lead to federal government contracts.

Find Opportunities—www.fedbizopps.gov is the primary point of entry for federal procurement opportunities over \$25,000.

Doing federal contracts can search, receive opportunities solicited by the contracting community. Before entering into contract agreements with some agencies must register with the System for Award Management. Plans are under

way to make this the central registration site for all federal agencies.

Register With SBA—Pro-Net is an electronic gateway for procurement information hosted by the Small Business Administration (SBA). Designed as a virtual one-stop shop, Pro-Net serves as a marketing tool for small firms and as a link to procurement opportunities. SBA also manages Sub-Net, a Web site where prime contractors list specific subcontracting opportunities by state. In addition, don't forget about the matchmaking sessions, held jointly by SBA and the U.S. Chamber, linking small-business owners to federal contracting agencies and private companies.

Get on Schedule—The General Services Administration (GSA) manages Federal Supply Schedules, which are large prenegotiated "bulk" contracts through which federal customers can acquire more than 4 million services and products directly from commercial suppliers. Information on identifying solicitations and getting on the schedules can be found at www.gsa.gov.



By Stefanie Starkey

U.S. Chamber of Commerce
Manager of Privatization Policy

ssstarkey@uschamber.com

Go Local—While online resources are important, establishing local contacts and networks is key for identifying business opportunities. Your local GSA and SBA offices and Procurement Technical Assistance Centers provide a number of marketing, technical, and even financial assistance opportunities for small businesses entering the government marketplace.

Protect the Homeland—A conversation about government contracting is not complete without mentioning the Department of Homeland Security (DHS), which some government analysts predict will soon be the largest federal buyer. Where do you go to market your product or service as this enormous agency continues to reorganize? DHS is currently posting its solicitations on www.fedbizopps.gov and shortly will unveil a new Web site intended to serve as a central point for industry to submit ideas, solutions, and proposals. Additional information about doing business with DHS can be found on its Web site at www.dhs.gov.

USCC 54305

Trying to Tell Us?

ment rate would have dropped to 11% (1/9). If we looked solely at the unemployment rate to gauge economic activity, we would erroneously conclude that with the unemployment rate dropping, the economy must have improved! While statistics don't lie, they don't always tell the whole truth either!

Reservists also cloud the labor market picture. Because the CPS includes only civilians in its calculation of the private sector labor market, reservists called to active duty are removed from the labor force and from the ranks of the employed or unemployed depending on their current status. Thus, if the called-up reservist was employed at the time of the call-up (and not replaced immediately), the unemployment rate would increase because the number of unemployed stayed the same but the workforce declined. If the called-up reservist was unemployed, both the number of unemployed and the labor force are reduced by the same amount and the unemployment rate would shrink. This is not an inconsequential issue when one realizes that 210,000 reservists were called up for the Iraq conflict.

And then there are the self-employed and agriculture workers. Both are counted in the CPS as employed, as are those who did at

least 15 hours of unpaid work in a family-operated enterprise. However, CES data exclude proprietors, the self-employed, unpaid family or volunteer workers, and farm workers.

But enough of the survey methodology and statistics lesson. The important question is what is happening in today's labor market. The establishment survey for March showed a decline of 108,000 jobs following a drop of 357,000 in February. (see chart 1). Manufacturing has clearly borne the brunt of the job losses with a drop of 36,000 in March. The March decline marked the 32nd consecutive month that manufacturing payrolls have contracted, a period during which 2.2 million jobs have been lost.

All the news from this survey wasn't bad, however, as the workweek rose 0.2 hours and average hourly earnings increased 0.1%. Together the increased workweek and the higher per hour earnings raised average weekly earnings by \$3.70 (see chart 2).

The household data from the CPS showed a smaller employment loss of 60,000 in March following February's drop of 128,000. Despite recent job losses, the March unemployment rate held constant at 5.8%, up slightly from January but below last year's peak (see chart 3). We

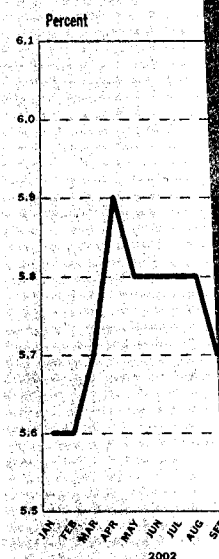
must be careful not to read too much into the unemployment rate because the growing number of discouraged workers, together with the call-up of the reserves, makes current unemployment numbers highly suspect.

Aside from their impact on the unemployment rate, the growing number of discouraged workers is troubling in its own right. The number of workers that have become discouraged and ceased to look for work grew 24,000 in March, the fifth consecutive monthly increase, and now stands at 474,000 (see chart 4). If these discouraged workers were included in the calculation of the unemployment rate, it would jump to 6.1%.

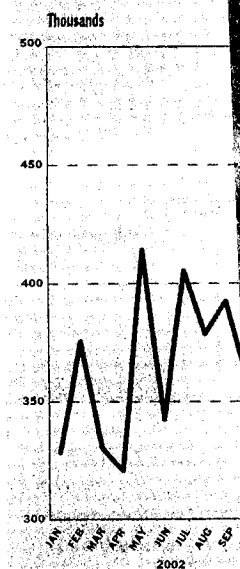
So what does all this mean? Are the government's numbers worthless? In a word, no, but we must be careful in their use. We should not make broad statements about the health of our labor market based on a single survey and particularly not from a single number. Instead, we should look for a preponderance of evidence. Unfortunately, the broad picture that I get from today's labor market statistics is one of significant weakness. What's worse is that I don't see significant improvement until the economy begins to grow at or above its potential and that could still be a few months away.

CHARTS 101

3) CPS: Unemployment Rate



4) CPS: Discouraged Workers



TECH TOOLS

Widening the Internet's Reach for Always On Access Is Growing

A

though concerns about the budget and Iraq have been at the top of the congressional agenda, Congress will soon turn its attention to other issues. It's likely that broadband will be one—and how Congress handles the issue will decide the future of the medium. Broadband enables the high-speed transfer of information in both directions. There are three main types of broadband—cable, DSL, and satellite access. DSL, which is the most widely available, allows users to be connected to the Internet at all times. Broadband is a growing sector, albeit slowly. The Federal Communications Commission statistics show that there are now more than 10 million high-speed subscribers in the U.S. as of June 2001, with the bulk of them—75% of home Internet users—are on DSL lines, since they use the services for Web surfing, not telecommuting to

work. The cause of the low broadband penetration is open to debate, but factors such as costs and lack of content are frequently cited.

Costs for broadband are higher than for dial-up, running between \$30 and \$50 each month. Dial-up costs range from \$9 to \$20 depending on the service. According to one survey, more than 90% of small businesses reported that productivity gains meet or exceed the monthly cost of broadband service for a variety of reasons, including employee efficiency, better customer communication, increased customer satisfaction, and improved competitive research abilities.

Considering how businesses would benefit, the question then is how to enable more businesses to gain access to broadband. In recent years, the debate in Congress and in federal agencies has been about regulating broadband services; now the focus is turning toward a more comprehensive strategy for widespread deployment of the new technologies. Issues such as intellectual property protection, spectrum management, national



E-MAIL QUESTIONS FOR
TECH TOOLS OR E-SOURCES
ahofelic@uschamber.com

By Andrea Hofelich

security issues, and rural deployment will be included in the debate.

Broadband has not been able to develop as rapidly because of the patchwork of outdated laws and regulations governing data and telecommunications—laws that were written before anyone understood how the Internet would evolve. These outdated laws stymie the necessary investment in infrastructure. Given the tangle of laws, it's going to take Congress some time to work out a solution. In the meantime, the U.S. Chamber will be keeping a watchful eye on the congressional debate and will be encouraging Chamber members to get involved at <http://www.uschamber.com/techcenter>.

E-SOURCES

The Federal Communications Commission regulates broadband.

Read more about...

Chamber's position on broadband.

FEATURED BENEFIT

Business Program

Businesses are vulnerable to property destruction, third-party liability, and increased costs. Also requires businesses to use responsibility—leading members to the U.S. Chamber's Owners Program

AIG

is both flexible and efficient. AIG BOP Insurance provides protection for business property as "standard" as other policies. P General protects against the damage inflicted by liability claims, ins for bodily injury damage, per and advertising from your prod- ns, or premises. Options let you use additional well as eliminate for products injury, or ry—potentially and from tailor coverage needs by their Property liability options or options such as umbrella, AIG al Liability, employment ty Insurance. U.S. Chamber receive extra including erty enhance- eases limits securities, general ements.

Information on of the AIG mber- ts and 244-7950. This is a not include and exclusions ed. Please for complete d exclusions available in

BENEFITS GUIDE FOR CHAMBER MEMBERS

WHAT'S HOT!

Chamber of Commerce of the United States® products and services are offered to members ONLY.

Gateway Services for Hispanic Businesses

There are more than 1.2 million Hispanic-owned businesses in the United States, and this number is continuing to grow. As the number of Hispanic-owned businesses grows, so does the need for complete technology solutions that cater to both Spanish-speaking employees and business owners. It's a need that's satisfied by Gateway, the U.S. Chamber's endorsed provider of technology solutions.

Over the past several years, Gateway has built a strong presence in the Hispanic community and continues to demonstrate a strong commitment by offering the following products and services:

- Spanish-language sales and technical support numbers
- Spanish-language product literature
- Spanish-speaking sales representatives in many Gateway® stores
- Spanish-language online computer training courses
- Spanish-language keyboards

For information on products and services for Hispanic businesses, please contact Debbie Pelosi at 212-957-0093. Please visit <http://esource.gateway.com/uschamber> or call 888-364-2163 for details on Gateway discounts for members.

Small Businesses, Big Benefits

The CHAMBERplan for Retirement® from SunAmerica is the total 401(k) solution for small and mid-sized business. It offers:

Strength—World-class money managers, including American Funds, Putnam, and Van Kampen.

Service—State-of-the-art recordkeeping and administration by highly regarded ADP.

Success—As a turnkey program, you can concentrate on managing your business, not your 401(k). To find out more, contact The CHAMBERplan Desk at 877-814-401(k) or e-mail us at chamberplan@sunamerica.com.

The U.S. Chamber of Commerce will receive fees from SunAmerica for its endorsement of The CHAMBERplan for Retirement. A prospectus for the underlying investment options is available by calling 877-814-401(k) and includes more complete information on expenses and risk factors; please read it carefully. Investment involves financial risk, including possible loss of principal. The provisions of the plan may differ from the contract. Should such differences arise, the plan provisions will take precedence. Policy form AN-940 (9/01).

WORKING FOR YOU

Pushing Back on the Trial Bar

Lisa Rickard President, Institute for Legal Reform

A single frivolous lawsuit can ruin a business, small or large. No one understands this threat to economic development better than Lisa Rickard, the new president of the U.S.

Chamber's Institute for Legal Reform (ILR). As Rickard notes, the negative impact of baseless claims does not end with business owners. "Such claims hurt shareholders and employees, sending a ripple that can be felt in every home, in the form of higher prices and taxes."

Lisa Rickard heads the Chamber's nine-person team devoted to making the civil justice system fair and efficient on both the federal and state levels. "ILR serves the vital need of coalescing business efforts to push back on the trial bar," says Rickard.

Bringing with her 25 years of experience as a public policy advocate, Rickard views legal reform from a

different angle. "I have a corporate perspective and experience working at a law firm, affording me a unique view of seeing this problem and ultimately fixing it." Rickard

worked most recently for The Dow Chemical Company, has made a career of representing the interests of business before Congress, the U.S. House, and regulatory agencies.

Rickard is optimistic about the prospects for legal reform. She points to the recent election of pro-business judges in a number of states and the enactment of tort reform measures in Mississippi and West Virginia.

"We have a window of opportunity to accomplish a lot of our objectives in the justice arena," she adds. "Public sentiment for reforming the legal system is growing."

And now Rickard looks forward to serving all Chamber members and accomplishing ILR's goal of making America's legal system simpler, fairer, and better for all.

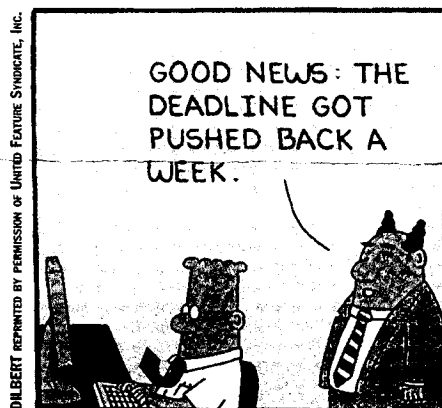


EXHIBIT 16

uschamber.com

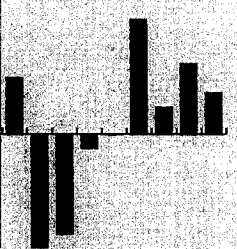
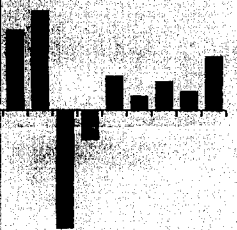
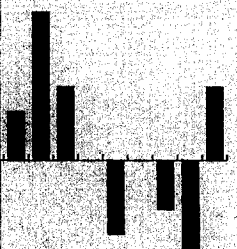
FIGHTING FOR YOUR BUSINESS®
INSIDE
FEATURES

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DEPARTMENTS

PAGE 6 **Small Business Matters**—Deciding to Borrow

PAGE 7 **Tech Tools**—Protecting Computers With Firewalls

KEY TRENDS
PRODUCTION INDEX

PRICE INDEX

INVENTORIES


PROGRESS ON ENERGY, MEDICARE Victories Near on Two Top Chamber Priorities

Racing to adjourn before the Thanksgiving holiday, Congress appeared on the verge of passing a comprehensive energy bill and Medicare prescription drug legislation as *uschamber.com* went to print.

Final passage would end months—even years—of sometimes rancorous debate on the two issues and mark the culmination of an all-out Chamber effort to push these bills through Congress and onto the president's desk.

The energy bill would move the country toward energy independence, enhance domestic security, grow the economy, and create valuable new jobs—not to mention ease consumer and small business concerns about rising energy prices.

The legislation would encourage greater production of traditional sources of energy—natural gas, oil, nuclear, and coal—as well as renewable energy sources including hydroelectric, wind, biodiesel, geothermal, and landfill gas. It would streamline the bureaucratic process that hinders energy production, grant incentives for conservation and efficiency measures to preserve our natural resources, and earmark billions of dollars for research and development of newer, cleaner sources of energy, such as ethanol, biodiesel, fusion, clean coal, and hydrogen. Finally, the bill would expand financial incentives and make it easier to upgrade aging electricity grids, transmission lines, and other outdated energy infrastructure.

"For American businesses, workers, and consumers, our nation's limited capacity to meet growing energy

demand has been ignored for too long," says Bruce Josten, Chamber executive vice president. "With this bill, we can put to work a national energy plan that matches our economic growth curve."

The Chamber organized a top-to-bottom media, grassroots, and lobbying campaign in support of the bill, enlisting the help of associations, individual businesses, labor unions, and local chambers through its Alliance for Energy and Economic Growth, a 1,350-member coalition.

The Chamber played a similar role in successfully lobbying for Medicare reform. The bill, which would represent the most significant reform and largest expansion of the program in its 38-year history, would grant employers greater flexibility and the options necessary to continue providing retiree health coverage on a voluntary basis. Highlights of the bill include a new prescription drug benefit, the introduction of private plan competition, and the portability and removal of all restrictions on Health Savings Accounts. Employer retiree plans that offer prescription drug benefits would receive a tax-exempt 28% payment for drug

costs between \$250 and \$5,000.

Look for more details and analysis on the energy and Medicare reform bills in the next issue of *uschamber.com*.

USCC 54308
FEATURED BENEFIT

Overcoming Barriers to Getting Highly Rated Insurance

U.S. Chamber member insurance agents are gaining a leg up on the competition by accessing elite insurance markets through Chamber Insurance Agency Services, a wholesale insurance agency affiliated with the U.S. Chamber.

PAGE 12
chamber
insurance agency services

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PECK EXHIBIT 16
Offered by Opposer, The Chamber of
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The Chamber of Commerce of the United
States of America v. United States Hispanic
Chamber of Commerce Foundation
Opposition Number 91/156,321

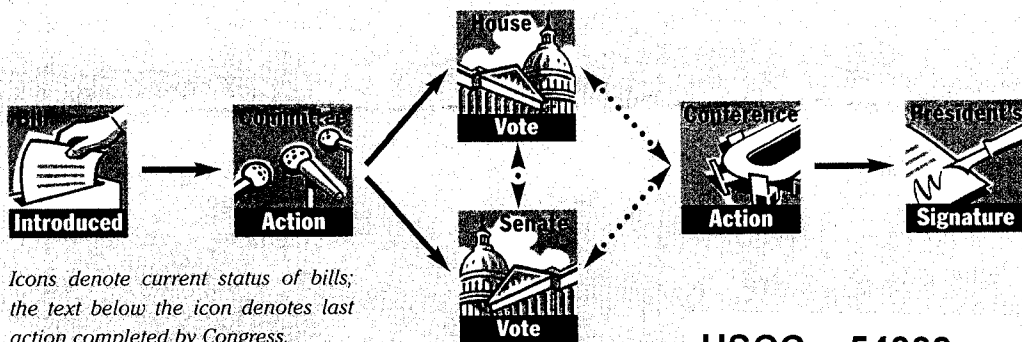
CAPITAL ROUNDUP

Class Action Fate Uncertain

BILL NAME	SUMMARY OF BILL AND WHAT IT MEANS TO YOU	U.S. CHAMBER'S POSITION	STATUS
Class Action Reform H.R. 1115/S.1751 The Class Action Fairness Act of 2003	These bills would protect businesses and consumers from abusive practices by making it easier to move large, multistate class action lawsuits from state to federal court, thus preventing widespread venue shopping by trial lawyers. The bills also call for class action notices to be written in plain English, among other provisions.	The U.S. Chamber supports class action reform. The Senate, on October 22, failed by one vote to approve cloture, which would have ended the potential for filibuster. Another vote is expected.	 Awaiting vote in the Senate. Passed by the House, June 12, 2003, 253-170.
Energy Relief H.R. 1115/S.1751 The Energy Policy Act of 2003	The Energy Policy Act of 2003 will enhance the U.S. energy security, increase the production of oil, gas, coal, and other energy resources, and provide for the development of new energy sources. It also provides for the development of new energy sources, such as wind, solar, and geothermal.	The U.S. Chamber supports the bill. The Chamber strongly supports the bill and has been working to ensure its passage. The bill is currently in the Senate and is expected to be passed by the end of the year.	 Conference action tentatively scheduled for November.
Fair Credit Reporting Act H.R. 2622/S.1753 Fair and Accurate Credit Transactions Act of 2003	The Fair Credit Reporting Act (FCRA) provides uniform, national credit reporting standards and a robust framework for the most advanced consumer credit and insurance markets in the world. It has increased credit and insurance availability. Key provisions in FCRA, however, are set to expire on January 1, 2004. This new law would make these provisions permanent.	The Chamber strongly supports this bill. The legislation will ensure that the nation's credit markets continue to operate smoothly.	 Senate approved, Nov. 5, 2003, 95-2. Approved by the House, Sept. 10, 2003, 392-30.
Medicare H.R. 2214/S. 877 Medicare Prescription Drug, Improvement, and Modernization Act of 2003	This bill would permanently fix the tax on Social Security benefits, provide for a permanent increase in the Medicare benefit, and provide for a permanent increase in the Medicare benefit. It also provides for a permanent increase in the Medicare benefit.	The Chamber is strongly urging the Senate to join the House in approving this major anti-inflation legislation. The Chamber has been working to ensure its passage and is currently in the Senate.	 Senate has passed legislation, but House expected to pass by the end of the year.
Spam H.R. 2214/ H.R. 2515/S. 877	These bills would regulate the transmission of unsolicited commercial e-mail. They would encourage greater cooperation between business and government and would create a uniform code for e-mail communicators. Such legislation would decrease the harmful impact of spam without stifling the ability of companies to communicate with their customers, both current and potential.	The U.S. Chamber supports passage of a federal anti-spam bill that would preempt state laws that could harm businesses and consumers.	 A House vote is expected soon. Senate approved bill, Oct. 22, 2003, 97-0.

Information is current as of press time. For the very latest, go to www.uschamber.com/governme

STATUS LEGEND:



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USCC 54309

BACKYARD



Back in the
 The recent passage of the new health care reform has many insurers to new policies. Secretary of the Department of Health and Human Services, John Agwunobi, expressed hope for the new law will bring competition that will bring down rates, after a tripling in

Source: News-Journal Online



Information—
 It maintains that businesses have the right to sue from legislation that allows lawsuits. The bill would establish a statute of limitations for product liability-related claims. If passed, it would allow businesses to seek reductions in insurance premiums.

Source: Toledo Blade



Too Fast?—A study by the Center for Retirement Studies attributes two years of declining health to rapid population growth. The author of the study concluded that dependence on government programs like high unemployment benefits in the 1990s helped slow the nation's economic

Source: The Hillsboro Argus

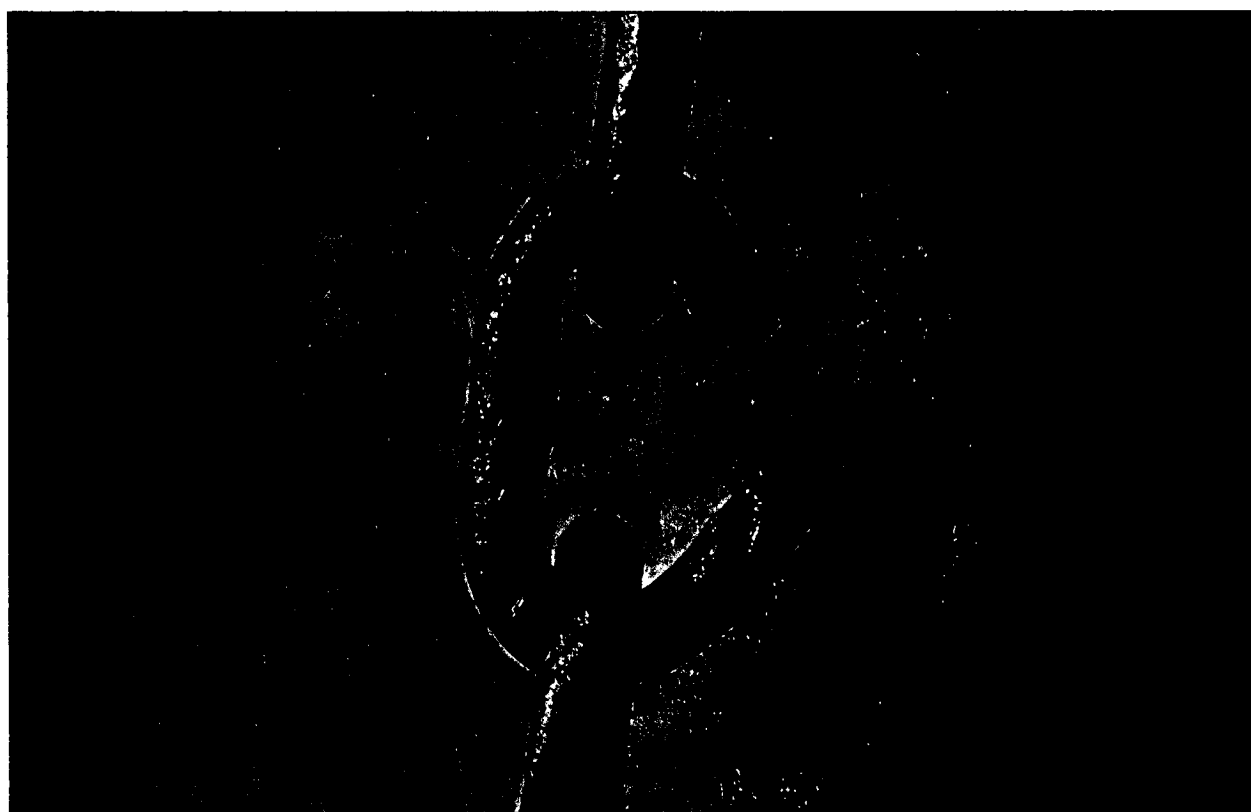
AKOTA



"Out the
 Gov. Mike Thompson announced plans for a new program to promote economic activity. By increasing state funds, the program hopes to double the number of businesses and the state's research and technology industries. The program will be implemented through cost savings and have located in government or through state resources."

Source: Argus Leader

MEMBER BENEFIT



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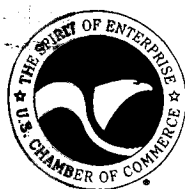
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AIG.

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MEMBER BENEFIT

AIG

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IN YOUR CORNER

A Mountain of Paperwork

Despite Congress' Best Intentions, Burden Grows

Four times in the past eight years, Congress has enacted legislation designed to decrease the amount of paperwork for businesses. However, businesses are seeing little, if any, relief. The Office of Management and Budget estimates that the public spends 8.2 billion hours a year filling out federal forms at a cost of \$320 billion.

IRS forms and regulations, which account for 80% of the total paperwork burden on small businesses, have increased in each of the past seven years, with the largest increases occurring in the past two years.

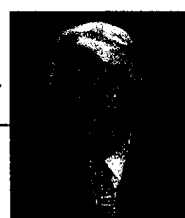
When government burdens small businesses with excessive and time-consuming paperwork requirements, entrepreneurs have less time to do what they do best—create jobs, grow their businesses, and increase economic prosperity. Bureaucrats must become more sensitive to small business needs and heed the laws passed by Congress.

Small businesses recently scored a significant victory when the IRS extended the standard deduction for business vehicles from one to four vehicles, saving small businesses 8 million to 10 million hours a year in record keeping. The Chamber will continue to work with the IRS to identify other paperwork-reducing initiatives, including e-services for small businesses connected to the Internet.

We're putting our economy at risk when the men and women who create up to three-fourths of net new jobs and produce half of all private sector output are wasting valuable time and resources filling out countless government forms.



Thomas J. Donohue
President and CEO
U.S. Chamber of Commerce



FACE-OFF

Streamline the Environmental Review Process?

Transportation Leaders Square Off

Diane Steed

President, American Highway Users Alliance

For highway project decision making, projects must conform to high environmental standards set by more than 65 environmental laws. The six Cabinet departments and three agencies with review authority should be working together in a cooperative, constructive, and timely manner. However, due to lack of specific congressional direction, the process has become inefficient and time-consuming. While mobility projects are needed more than ever, projects languish for an average of 13 years before construction can begin. The single largest cause is the environmental review process.

The broken process has served highway opponents well. According to testimony from Roy Kienitz, former executive director of the Surface Transportation Policy Project, a strategy has emerged to "... delay things until opponents change their minds and tire of the fight."

In other words, anti-highway groups want to keep these government processes as inefficient as possible—relying on infinitely long studies that they hope will never reach conclusion. Since streamlining proposals are designed to help government agencies reach the same decisions faster, anti-infrastructure opposition is to be expected.

People depending on a safe and efficient highway network want congestion relief. In 2001, a nationwide poll showed public opinion on project delivery: 67% of those surveyed felt that the environmental review process should be streamlined. By including a strong streamlining provision in next year's highway bill, Congress has an opportunity to reject government inefficiency and restore public confidence, ensuring that taxes will be effectively used to improve safety hazards and restore mobility.

President, Surface Transportation Policy Project

We need to streamline the project delivery process; that's what the public expects. Yet we should not confuse the public's wish for efficiency with their desire for smarter decisions reflecting their interests and values.

Shortcutting existing processes and stifling the public's voice on decisions affecting their lives and communities do not move the ball forward, and this will surely backfire.

Having led two state transportation agencies, I have firsthand experience with project delivery. It is a complicated equation, like many things in our diverse society. It is as much about people and leadership as it is about procedures and laws.

The public and their local decision makers are demanding more and rightly so. For more than a generation, NEPA, Section 4(f), and the Clean Air Act have guided how we engage the public and their communities in delivering a better transportation product.

Early engagement with resource agencies and the public before a solution is defined is a better route to faster project delivery. We know that resource agencies were underfunded and overwhelmed by the steep rise in project reviews under TEA-21 (148,092 active projects in the federal program system when TEA-21 ended compared to 77,557 after ISTEA). We must foster more cooperation between transportation and resource agencies, not just tilt the rules to favor one agency or one solution. In the end, legislative remedies may be the least effective means at our disposal.

Like most things, there is more to this debate. We should make the right choices now, so we don't end up creating more problems later.

Ann Canby

President, Surface Transportation Policy Project


www.transact.org

QUIPS

Heard In and Out of
The U.S. Chamber

"The U.S. Chamber of Commerce is supporting legislation in Congress that would allow small business associations, such as chambers of commerce, to provide insurance for their members' employees. That is expected to result in premiums for small companies."

—The Wall Street Journal, October 1, 2003

"Supporters of the legislation to cut business taxes said the law would make American companies more competitive. The Chamber of Commerce backed the legislation."

—The Wall Street Journal, October 1, 2003

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CHAMBER OF COMMERCE
OF THE UNITED STATES


2003—Chamber Advances

In 2003, the U.S. Chamber of Commerce took significant steps to help improve the nation's business environment. Backed by the strength of millions of its small business members and a highly skilled team of lobbyists, policy experts, lawyers, and communicators, the Chamber registered several significant policy victories. Below are highlights of its accomplishments.

Tax Relief and Access to Capital

Jobs and Growth Tax Relief Reconciliation Act of 2003—

The Chamber played a major role in enacting legislation that provided \$350 billion in net tax relief, which included accelerated individual tax rate cuts, a cut in dividend and capital gains tax rates, a fourfold increase in small business expensing, and a 50% bonus depreciation.

Permanent Repeal of the Death Tax—Due in part to the Chamber's lobbying efforts, the House voted to permanently repeal the federal estate tax, otherwise known as the death tax. Under current law, the death tax is completely phased out by 2010, only to be fully reinstated the following year.

Depreciation of Business Vehicles—The Chamber supported revisions to IRS regulations that allow businesses, under certain conditions, to write off the total cost of a van or light truck using the more generous expensing rules regardless of whether the vehicle falls under the 6,000-pound threshold.

Access to Loans—The Chamber played a key role in correcting a flawed accounting method that forced the Small Business Administration to lower caps on loans to small businesses. The correction freed an additional \$6 billion in guaranteed small business loans during the last fiscal year.

Health Care

Association Health Plans—The Chamber helped win passage of legislation in the House that would permit and encourage small businesses to join together through legitimate associations to purchase health insurance for their employees. By pooling resources, small businesses would enjoy greater bargaining power, economies of scale, and administrative efficiencies, as well as protection from burdensome state health care regulations.

Medical Savings Accounts—The Chamber successfully lobbied for passage of House legislation that would make permanent Medical Savings Accounts and allow for the rollover of Health Care Flexible Spending Accounts.

Legal Reform

Class Action Reform—The Chamber pulled out all the stops in successfully lobbying for a bill in the House that would make it easier to move large, multistate class action lawsuits from state to federal court, thus curbing the widespread practice of "venue shopping" by trial lawyers. The Chamber continues to press for Senate passage.

Medical Liability Reform—The House passed a Chamber-backed bill that would limit legal fees in medical liability cases and cap noneconomic damages at \$250,000 and punitive damages at the greater of \$250,000 or two times economic damages.

Transportation

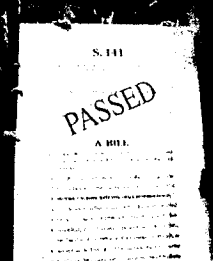
TEA-21 Reauthorization—With the Chamber's support, the president signed a five-month extension of the federal highway funding program that slightly increases highway and transit funding. Congress is expected to take up a six-year reauthorization bill in early 2004.

Energy

Comprehensive Energy Legislation—After an extensive lobbying and grassroots campaign orchestrated by the Chamber, the House and Senate each passed comprehensive energy legislation that would expand domestic production and conservation, promote increased alternative and renewable fuel use, modernize our aging energy infrastructure, and encourage investment in new technologies. At press time, Congress was poised to pass the conference report.

USCC 54313

PHOTOS: IAN WAGREICH



Small Business Agenda

Workplace

FCC Fax Rule—With the help of thousands of small business members and dozens of association allies, the Chamber convinced the Federal Communications Commission (FCC) to delay implementation of its own rule barring businesses and associations from sending commercial faxes to their customers or constituents without prior written authorization. Subsequently, the FCC delayed another requirement that would prohibit sending a commercial fax to a business or organization with which the sender has not conducted business in the past 18 months.

IRS Paperwork—With the Chamber's support, the IRS handed down a rule change allowing small business owners to apply the standard mileage rate for up to four business vehicles at the same time, starting in 2004. The expansion of the standard rate option is estimated to save small businesses 8 million to 10 million hours a year in record keeping. Under the previous rule, firms using more than one vehicle at a time could not use the standard rate, forcing them to track the actual expenses for each vehicle.

Postal Rates—The Chamber strongly supported legislation allowing the United States Postal Service to stop overfunding its employee pension system and requiring postal rates to remain at their current levels until 2006.

Worker Education and Training—The House and Senate each voted to reform and reauthorize the 1998 Workforce Investment Act. The bills would strengthen and streamline job training and education programs and make them more responsive to the needs of businesses. At press time, a conference committee had not yet produced a consensus bill.

Family Medical Leave Act/Unemployment Insurance—The Chamber won repeal of a Clinton-era regulation that permitted states to divert money from their unemployment compensation trust funds to provide for paid family leave.

Financial

Fair Credit Reporting Act—With strong Chamber support, both the House and Senate voted to reauthorize the Fair Credit Reporting Act, thereby ensuring continued national

and uniform credit standards and quick, easy, and affordable access to credit for small businesses and consumers. At press time, a conference committee was working to reconcile the two versions of the bill.

Check Clearing—The president signed a bill allowing banks to send checks electronically to one another—even without prior agreement—and photocopies to be mailed to local banks in place of the actual hard check. As a result, checks will clear faster, fraud can be more quickly identified, and banking costs will decrease.

Bankruptcy Reform—The Chamber successfully lobbied for House passage of a bill that would prohibit wealthy bankruptcy filers from skirting their financial obligations while affording bankruptcy protection for legitimate filers.

Technology and E-Commerce

Internet Tax Moratorium—At the urging of the Chamber, the House passed legislation that would permanently extend the moratorium on Internet access taxes as well as new, multiple, and discriminatory taxes on Internet commerce.

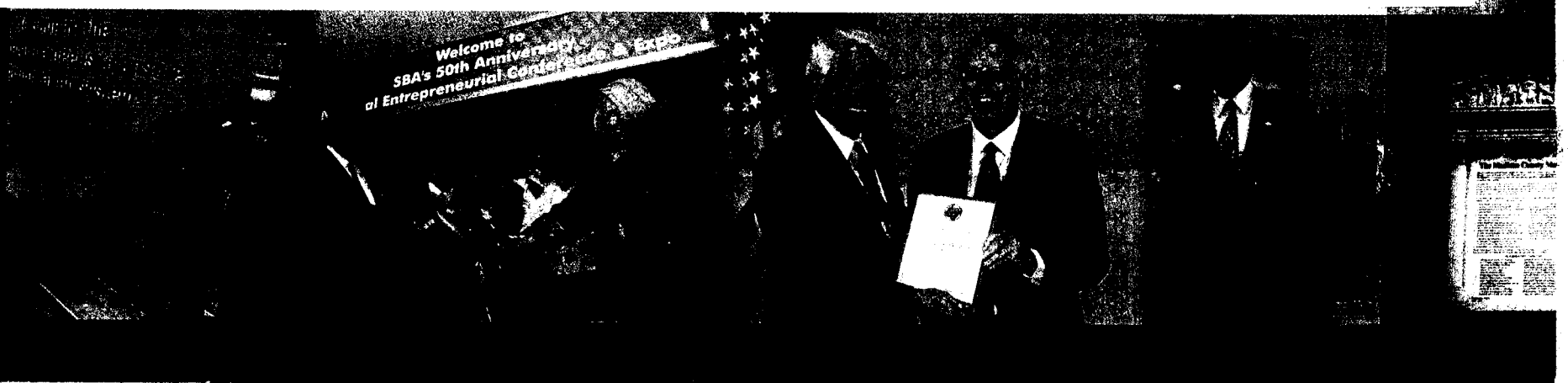
Spam—Backed by the Chamber, the Senate unanimously voted in favor of an anti-spam bill that stops "bad" spammers from fraudulently peddling undesirable content while allowing legitimate companies to continue communicating with their customers.

Small Business Resources

Small Business Administration Funding—The Chamber helped secure passage of legislation in the House that would increase the autonomy of the Small Business Administration's Office of Advocacy, which in fiscal year 2002 saved small businesses \$21 billion.

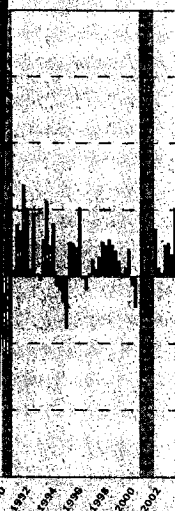
Chamber Resources—The Chamber introduced several new electronic resources for small firms, including its Small Business Center, uschamber.com/sb; a weekly e-newsletter containing news and business tips, *uschamber.com Weekly*; and a Web site, www.assessyourinternationalrisk.org, that helps small businesses gauge the risks and opportunities of doing business overseas.

USCC 54314



ARTS 101

Investment



Home Sales



Dr. Martin Regalia: ECON 101

Housing: The Economy's Indomitable

Throughout the recent recession and recovery, one sector continued to surprise economists with its amazing strength and resilience—housing. Home buyers' appetites appeared insatiable, as month after month new records for home sales were set. Home builders continued to meet that demand, with the result that residential investment never faltered throughout the recession or slow recovery (see chart 1). And home owners used aggressive refinancing to bolster discretionary income and underpin consumption. This performance strayed so far from the norm that it is worth a closer look.

In September, existing home sales rose 3.6% at an annual rate to 6.69 million units, breaking its own record for the third consecutive month (see chart 2). The current level of sales is up almost 30% from the end of the recession. New home sales have done similarly well, averaging 1.14 million units over the past three months, a pace that is almost 25% higher than that at the end of the recession (see chart 3).

What may be even more impressive is how home sales weathered the recession itself. Sales of existing homes entered the recession at a 5.2 million unit pace, averaged 5.3 million units during the 9-month recession, and grew to a 5.4 million unit pace during the month after the recession. New home sales were 963,000 entering the downturn, averaged 889,000 during the recession, and grew to 979,000 during the month following the slide.

Rapid home sales have encouraged equally impressive home building. Housing starts reached a 17-year high of 1.9 million units in July and then hit virtually the same level again in September (see chart 4). The pace of home construction has increased more than 18% since the recession's end in late 2001. During the recession, housing starts averaged 1.6 million units—a nearly identical pace exiting the recession as entering it.

Real residential investment, a measure of the contribution of housing to GDP, has risen steadily over the past three years untouched by the recession. It now stands at 4.4% of

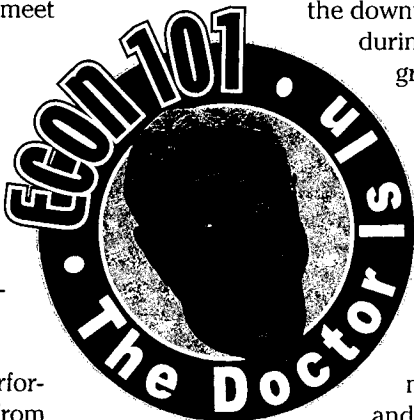
GDP, up from 4.0% at the end of 2000.

In fact, one of the biggest problems caused by this housing binge has been the inability of supply to keep up with demand. The National Association of Realtors reports housing inventory levels as the months supply of homes on sale given the current sales rate. In September, there was a 4.5 months supply of homes on the market, about the same amount as when entering the recession.

The torrid demand has kept upward pressure on home prices. In September, the median sales price for new homes reached \$187,400, up almost 16% since the end of 2000. Prices of existing homes rose more than 23% to \$172,300 over the same period. Neither category was significantly affected by the recession.

As the home represents a major component of household equity, rising home values create significant positive wealth effects. Some estimates place the value of home appreciation in excess of \$3.5 trillion. What may be more important is that home owners have also figured out how to augment their cash flows by refinancing their existing mortgages at lower rates or turning housing equity into cash through cash-out refinancing.

While it should be clear by now just how remarkable the housing sec-



ALL BUSINESS MATTERS

Financing Your Business I—The Decision to Borrow

As of three articles

Ask small business owners about their experiences borrowing money and their replies might sound like this: "You have to have a good credit score before someone will lend it to you."

But this has frustrated many owners who have boundless abilities to start or grow businesses. While entrepreneurs ask lenders do not. These economies collide in the loan

But in building the differences is for now that the underlying decision to borrow is a good one. Here are some guidelines:

Up—The most difficult stage for funding is at start-up. At this point, the greatest for the lender because your credit is only a guess. As the owner, you

must decide what combination of personal funds and outside loans you will use to purchase the necessary supplies for launching your business. Bear in mind lenders will want to see a substantial commitment on your part. Furthermore, projected cash flow must be realistic and strong enough to support any debt service.

Growth and Expansion—As a rule of thumb, you should only borrow money when it will improve your business, profitability and projected cash flow can cover the cost of servicing the debt. Whether it's a new piece of equipment or a new product or service line, before taking a loan evaluate what you intend to buy against its return.

Financing Cash Flow—Debt used to supplement legitimate fluctuations in working capital due to cyclical downturns or rapid growth may become necessary. But taking out a loan to sustain a business whose cash flow has been

depleted due to structural losses will only exacerbate the problem. Small business owners who need a loan because they suddenly cannot afford to pay their bills must first eliminate root causes in order to warrant credibility with the lending community. Find the source of shortfalls, make necessary corrections, and implement safeguards to prevent this problem from recurring before approaching the lender.

Loan Duration—Finance for terms no longer than the useful life of what is being purchased is generally not advantageous to borrow money for advertising. Once the short-term income effects of advertising subside, the debt service will remain and stunt future cash flow. In comparison, financing insurance costs over the year in which they provide the benefit can be a good decision.

Borrowing money for your business can be favorable. Once you have structured a sound underlying reason to take on more debt, you need to develop a business plan. This is the subject of our next article.

By Giovanni Coratolo

U.S. Chamber of Commerce's
Director of Small Business Policy

gcoratolo@uschamber.com

USCC 54315

FEATURED BENEFIT

Overcoming Barriers to Top-Rated Insurance

Insurance agents and brokers are finding it harder to secure quality carriers from a financially distressed market. "There are significantly fewer carriers in the market and casualty insurance marketplace," explains Sherlock, president of the Insurance Agency (the Agency). The Agency's Top-Rated Insurance Agency last year—and the financial ratings of many carriers have been downgraded over the past 24 months, Sherlock adds. Insurance agents and brokers are increasingly concerned about the financial strength of the carrier market. Access to the market is becoming more exclusive. "In order to secure efficiencies, lead carriers are honing their producer lists and using fewer agents and brokers," says Sherlock. Insurance agents and brokers who are U.S. Chamber members can overcome these barriers by doing business with the Agency. As an independent wholesale insurance agency, the Agency gives agents immediate access to top-rated insurance carriers from the nation's leading insurance carriers, including the AIG companies. Enhancements for members include no commission fees, premium discounts, or activity-level incentives.

Chamber Insurance

Services allows independent brokers to deliver products across various product lines, from Commercial Owners Programs to General and Workers' Compensation insurance to Umbrella insurance, Professional Liability, and Underground Tank insurance. Specially designed policies are also available exclusively to Chamber members.

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Doing Business Abroad

The U.S. Chamber has partnered with the Business Administration and AIG to launch a site that allows small businesses to assess their international risk.

The site, *assess your international risk*, provides an overview of international exposures and questions for companies to determine if they have adequate coverage. It also offers information on options for small business owners to protect against international risks.

Businesses of all sizes are expanding into international markets. While international markets offer enormous opportunities, especially to small businesses, they also present associated risks that are often unknown or misunderstood. A business may be global, but its business operations may not be. Substantial coverage, the service limitations in most U.S. business insurance policies, as well as laws and customs that vary across regions worldwide, expose businesses to international risks.

Visit www.assessyourinternationalrisk.org. For more information on international trade resources, visit the U.S. Chamber's affiliate TradeRoots at www.traderoots.org.

WORKING FOR YOU

Connecting With the Community

Stephen Jordan, Executive Director, Center for Corporate Citizenship

As the head of the Center for Corporate Citizenship (CCC), Stephen Jordan helps business owners get involved in their communities and craft social policy. Says Jordan, "We're here to help make it easy and effective for businesses to make a difference on the social issues that matter most to them."

Seventy percent of Chamber members engage in some form of charity or community service, according to a recent survey conducted by CCC. "Often it's a small business owner sponsoring a local Little League team, volunteering to clean up a playground, or participating in a community watch program," says Jordan.

The business community spends upward of \$1 trillion annually on health care, education, and other initiatives, according to Jordan. It also contributes \$20 billion to various charities and humanitarian causes, and more than 30% of employees in U.S. businesses volunteer.

Jordan views CCC as a vehicle to gain momentum for the remarkable, and sometimes overlooked, contributions of American business. It also helps to form public-service partnerships. CCC hosts Strengthening America, a coalition of more than 100 companies that President Bush helped launch in December to support volunteerism. CCC also promotes public-private partnerships such as community safety, relief, and community development.

Jordan has worked at the U.S. Chamber for six years. He joined CCC in May 2000 and previously served as executive director of the Association of American Banks in Latin America. Before joining the Chamber, Jordan worked in the publishing industry and served two years on the staff of the Senate Relations Committee.



PHOTO: IAN WAGNER

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table Force

tor has been over the past three years, two questions come immediately to mind—why did it happen and, more importantly, can it continue?

The largest factor in housing's remarkable run is, of course, low interest rates (see chart 5). Rapid productivity growth has pushed down unit labor costs, which, in turn, have driven down inflation and inflationary expectations. Low inflation together with weak credit demand has allowed mortgage rates to drop

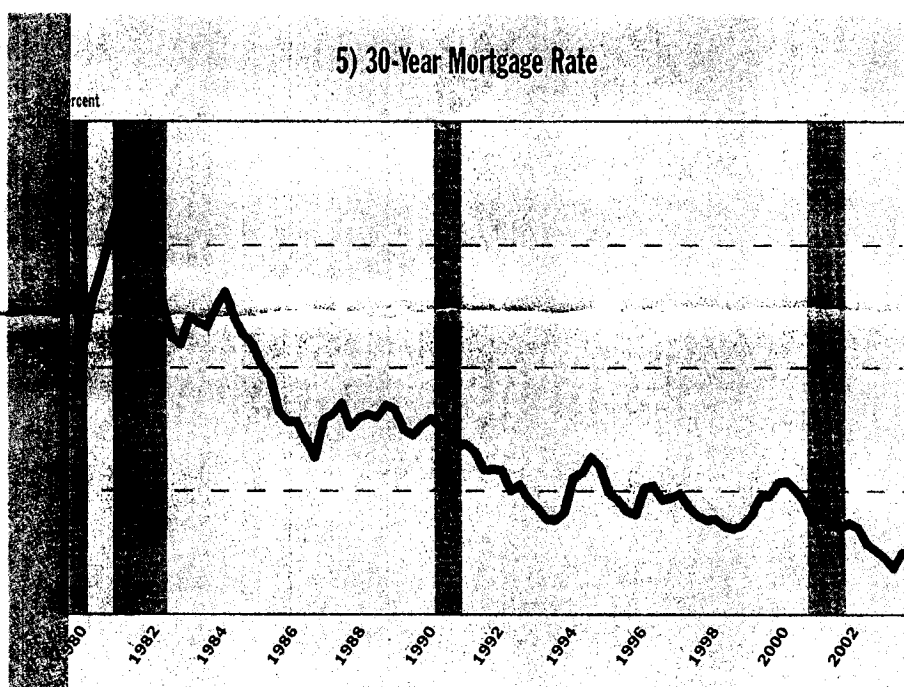
to levels not seen since the 1960s. However, interest rates are not the only story. Income growth has held up quite well despite the weak job market, and the abysmal performance in the stock market over much of this time period has undoubtedly triggered some portfolio shifting toward real assets.

So what are the prospects for this sector over the next year? Can we continue this unprecedented performance, or have we seen the

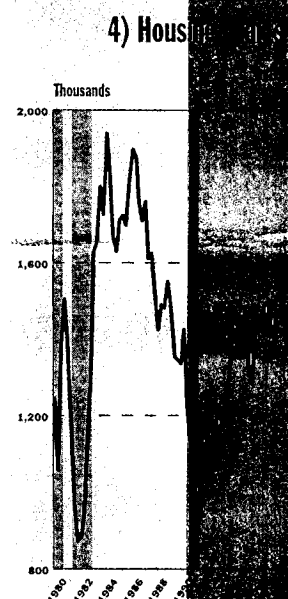
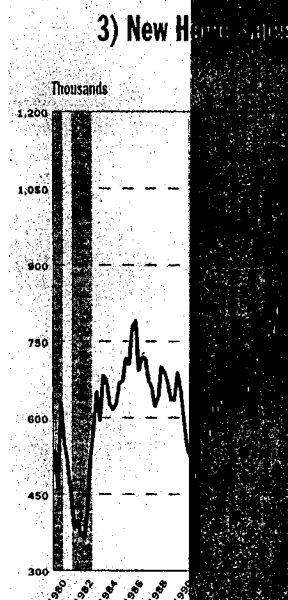
peak in this sector for the foreseeable future?

With short-term interest rates expected to remain relatively stable and long-term interest rates expected to post only modest increases, housing affordability will remain fairly good albeit somewhat below recent peaks. However, the booming housing market of the past several years has left very little, if any, in the way of pent-up demand for housing. The home ownership rate in the United States during the second quarter of this year was the highest it has been since the U.S. Census Bureau began reporting this statistic in 1980. In addition, the recent firming in the stock market has reduced the incentive for portfolio shifting. Thus, we believe that this sector is likely to slow gradually over the next few quarters.

So where does that leave us? Well fortunately, just as we expect housing's contributions to wane, other sectors seem to be heating up. The "advance" estimate of third quarter GDP growth came in at 7.2%. Moreover, growth was balanced with consumption and business fixed investment also coming in strong. We believe that business fixed investment along with the rebuilding of inventories will more than pick up the slack from slowing residential investment.



CHARTS 101



TECH TOOLS

Firewalls Protect Your Computer Stop Hackers and Internet Attacks

A firewall should be your first line of defense against pernicious hackers trying to access your business' private information. And compared to the cost of recovering lost data, it is an inexpensive and easy way for you to help protect your electronic infrastructure.

Simply put, a firewall is a system designed to prevent unauthorized access to a private computer or network. Once installed, all activity to and from your computer system and the outside world travels through it, providing a vital opportunity to monitor any suspicious activity. There are two major types of firewalls: software and hardware.

Hardware firewalls are separate pieces of equipment that sit between the Internet connection and the company's computer network. The software on that equipment is the firewall that filters traffic. In addition to, or in place of, a hardware firewall, you can use a software firewall, which is software loaded onto each computer that screens traffic to and from that particular computer.

Any business that has an always-on connection to the Internet should seriously consider purchasing some kind of firewall. Small business firewall equipment can run as low as \$150 and will help you to do the following:

- Hide your computer so that hackers can't see it.
- Block Internet attacks and prevent outside users from hijacking your bandwidth without your permission.
- Stop your employees from using nonapproved channels such as instant messages, e-mail programs, and unauthorized software.

Firewalls can also serve an important auditing function for computer administrators by cataloging Internet traffic. They can record information about break-in attempts that can help pinpoint a hacker's geographic location and even perhaps identity. Just as many businesses employ security guards to protect their physical premises, they should use firewalls to safeguard their computer system and electronic information.

It may not be necessary to own a firewall if your

business uses a dial-up line for Internet access, connected for only short periods of time. In addition, if your computer network is never connected to the Internet or any other external network, a firewall is superfluous.

You should also keep in mind what firewalls cannot do. They are not a substitute for virus detection software, which should be installed regardless of other security measures. They cannot stop employees from putting sensitive information on a disk and leaving the office with it. And firewalls are not a one-stop solution for everything, but they will help quash certain threats to your business.

E-MAIL QUESTIONS FOR
TECH TOOLS OR E-SOURCES TO
jsneider@uschamber.com

By Jaime Sneider

E-SOURCES

News about the latest firewall and computer security issues. Also, reviews products with the small business owner in mind.

Product reviews and ratings of most computer goods, including firewall hardware and software.

EXHIBIT 17

uschamber.com

FIGHTING FOR YOUR BUSINESS®

CHAMBER FOCUSES ON EDUCATION Highlights Include State Report Cards

The U.S. Chamber is stepping up its efforts on education and workforce preparedness to ensure that students have a strong academic foundation to meet the workforce needs of employers today and in the future.

America's education system is failing its students. The National Center for Education Statistics estimates that 30% of students who start high school don't finish in four years, and that number jumps to 50% for minorities.

Further, by the time that U.S. students reach high school, they have fallen behind most of the developed world in math and science, and relatively few go on to earn degrees in these or related fields. In fact, the number of college graduates with degrees in math, science, or engineering has remained constant for the past 20 years despite growing demand, according to the Bureau of Labor Statistics.

The continuing poor performance of many schools and the rise of global competitors with increasingly well-



PHOTO: IAN WAGRECH

U.S. Chamber Board Chairman Gerald L. Shaheen outlined the Chamber's education agenda at the U.S. Department of Labor's Workforce Innovations 2006 conference in Anaheim, California, on July 12.

educated workforces have led to a new Chamber effort to make high school graduates college and workforce ready.

According to Arthur Rothkopf, Chamber senior vice president and head of the Chamber's education and workforce initiative, "We have to

raise our expectations of the K-12 education system in order to create a more competitive American economy."

State Report Cards

In June, the Chamber announced plans to assess how each state's K-12 education system is preparing its students to compete in the 21st century. The education report cards will grade each state's performance in a number of areas, including return on investment, student achieve-

ment, the rigor of state education standards, and high school students' readiness to transition to postsecondary education and the workforce.

The Chamber has assembled a bipartisan team to collect and analyze existing data and hopes to produce the report cards in early

EXHIBIT 18

U.S. Chamber of Commerce
2005-2006



National Business Agenda

*Addressing Policy Priorities
of American Business*

USCC 55498

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The 2005–2006 National Business Agenda

U.S. Chamber of Commerce
109th Congress

Addressing Policy Priorities
of American Business



USCC 55499

2005–2006 National Business Agenda

The 2005-2006 National Business Agenda

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USCC 55500

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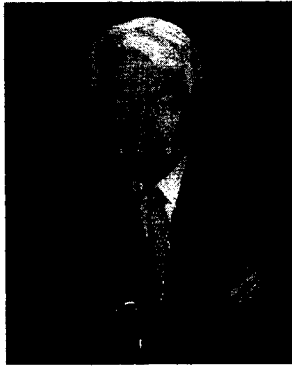
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Letter from the President



I am pleased to present the 2005–2006 National Business Agenda outlining the major legislative and regulatory priorities of the U.S. Chamber of Commerce, the world's largest business federation representing more than 3 million businesses of every size, sector, and region of the nation.

Every two years, the U.S. Chamber surveys its members to determine their top priorities for the new Congress. We compile the results of this survey to create the National Business Agenda. The size and diversity of the survey pool of businesses make the National Business Agenda a credible and valuable resource for members of Congress, the administration, and our business activists across the country.

Though businesses have identified dozens of specific public policy priorities for 2005–2006, the sum of their responses conveys a core philosophy of fewer regulations and fewer frivolous lawsuits, lower taxes, and less government interference in the marketplace. If policymakers deliver on these issues, then business will be better positioned to create more jobs, invent new products, open new markets, and increase productivity.

The Chamber's talented team of lobbyists, policy experts, communication specialists, and grassroots coordinators will aggressively pursue the National Business Agenda before Congress, the administration, the regulatory agencies, the courts, and the vital court of public opinion.

With a new Congress and the start of a new administration, we have new opportunities to address the business community's greatest concerns and challenges. We ask for your support in making the 2005–2006 National Business Agenda a reality.

Sincerely,

A handwritten signature in black ink, reading "J. Donohue". The signature is fluid and cursive, with a long horizontal stroke at the end.

Thomas J. Donohue
President and CEO
U.S. Chamber of Commerce

USCC 55504



ENVIRONMENT/ENERGY/ REGULATORY REFORM

USCC 55505

The U.S. Chamber's objective is to ensure that air quality standards are based on the best publicly available scientific and risk assessment information.

To protect the health and well-being of Americans, air quality standards must use the best available scientific information to accurately assess the impact of the standards on affected communities and businesses. The U.S. Environmental Protection Agency (EPA) and state and local governments share the responsibility for regulating air quality under a complex statutory scheme in the Clean Air Act (CAA). The CAA imposes emissions limitations using overlapping and interlocking provisions such as the National Ambient Air Quality Standards (NAAQS). Under the CAA, EPA has developed NAAQS for six pollutants: sulfur dioxide, carbon monoxide, lead, particulate matter, ozone, and nitrogen dioxide. Using a State Implementation Plan (SIP), state and local governments apply NAAQS to individual facilities.

As part of its overall plan for meeting NAAQS, each SIP takes into account unique local conditions, including current and projected economic and population growth, traffic patterns, the types of local industries and the effect of transported pollutants. Implementation of NAAQS has a profound effect on the economies of localities across the nation. Failure to meet NAAQS results in severe penalties for state and local communities, including the loss of federal highway funds, restrictions on the issuance of new industrial permits, and other limitations on economic growth.

Because of the significant impacts that can result from NAAQS implementation, the U.S. Chamber of Commerce believes that revisions to NAAQS should be based on the best science and risk assessment information available and should consider human health, economic impacts, and the future impacts of air quality initiatives currently in place. If NAAQS are revised, their implementation should be timed to cause minimal economic harm and to take full advantage of all current efforts to improve air quality. The U.S. Chamber believes that market-based models that can be used to reduce large percentages of pollutants significantly and cost-effectively are the most useful regulatory schemes.

USCC 55506

The U.S. Chamber will do the following:

- Support a thorough scientific evaluation of proposals to revise NAAQS.
- Challenge the use of poor-quality data and models, as well as the use of models whose validity has not been established.
- Support an evaluation of the impacts of any proposed NAAQS revision on the economy and human health.
- Support and advocate market-based pollution control and abatement programs.

Chamber contact: Environmental Policy at 202-463-5740 or Michael Formica at mformica@uschamber.com.

USCC 55507

The U.S. Chamber's objective is to ensure that climate change policies are based on sound scientific principles, quality data and valid models, and that actions taken to address climate change do not interfere with businesses in the global marketplace.

Even though current scientific knowledge and models for assessing climate change are incomplete, unreliable and characterized by large uncertainties, and the technology needed to stabilize or limit greenhouse gas emissions on a global scale does not exist, Russian ratification of the Kyoto Protocol is all but certain. U.S. businesses will then face uncertain future markets as signatories seek to meet their obligations under the protocol through the imposition of taxes, duties, and tariffs on goods and materials as well as labeling requirements and expanded domestic subsidies. While it is unlikely that a signatory will directly target U.S. goods, U.S. businesses will nevertheless be significantly affected, and the fortitude of the World Trade Organization's dispute resolution process is certain to be tested.

At the same time, additional measures to address emissions of greenhouse gases continue to be pushed both domestically and internationally. They include attempts to reduce the use of coal as an energy source through various costly regulatory schemes, attempts to regulate other nongreenhouse gas emissions, and attempts to establish carbon trading schemes for the global marketplace, despite the lack of a harmonized framework for doing so and serious questions about the reporting burdens, costs, accuracy, and effectiveness of the proposed reporting schemes.

The U.S. Chamber will do the following:

- Support a thorough scientific evaluation of the climate change issue.
- Challenge poor-quality data and models, and challenge their use when their validity has not been established.
- Oppose efforts to control greenhouse gas emissions domestically without any requirement that nations with the fastest growing sources of these gases also control their emissions.

USCC 55508

- Resist ill-conceived climate change policies and measures that could severely damage the security and economy of the United States.
- Support comprehensive national energy legislation that provides for additional research and incentives to develop advanced, innovative technologies and technology infrastructures.

Chamber contact: Environmental Policy at 202-463-5740 or Michael Formica at mformica@uschamber.com.

USCC 55509

The U.S. Chamber's objective is to enact a comprehensive national energy policy that ensures affordable, reliable energy supplies and promotes energy security, economic security, and national security.

Energy is the lifeblood of the economy. U.S. economic prosperity is closely tied to the availability of reliable and affordable supplies of energy. Since 1973, U.S. energy production has grown only 13 percent, while U.S. energy consumption has increased 30 percent. As the economy grows, so will the demand for energy. Even considering significant increases in efficiency, significant increases in demand are projected. According to the Energy Information Agency, the United States, by 2025, is expected to need 44 percent more petroleum, 38 percent more natural gas, 43 percent more coal, 54 percent more electricity, and 54 percent more renewable energy.

The 107th Congress was able to pass comprehensive energy legislation in the House and Senate, but a conference committee was unable to agree on a final bill before Congress adjourned. In 2003, the 108th Congress was able to pass comprehensive legislation in both houses and to agree on conference language. However, the conference report was filibustered in the Senate, leaving the prospects of getting comprehensive energy legislation remote. The U.S. Chamber continues to work with congressional leaders to push an energy bill and enact a comprehensive national energy policy in the 109th Congress.

As a co-founder of the Alliance for Energy and Economic Growth (Alliance), the U.S. Chamber is recognized as a leader in advocating a comprehensive national energy policy. The objective of the U.S. Chamber and the Alliance is to advocate enactment of a comprehensive national energy policy that:

- increases energy efficiency and conservation;
- ensures adequate energy supplies and generation;
- renews and expands the energy infrastructure;
- encourages investment in new energy technologies;
- provides energy assistance to low-income households; and

- ensures appropriate consideration of the effects of regulatory policies on energy supplies.

The U.S. Chamber will do the following:

- Educate Congress and the business community on the need for a comprehensive national energy policy.
- Continue to work with the Alliance to leverage existing momentum and ensure passage of a comprehensive energy policy during the 109th Congress.

Chamber contact: Environmental Policy at 202-463-5740 or Michael Formica at mformica@uschamber.com.

USCC 55511

The U.S. Chamber's objective is to limit the role of the federal government in the cleanup of contaminated lands to the highest priority sites, which have already been identified, and to emergency response and removal actions at sites that present an immediate threat to public health or the environment.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) created the Superfund, a pool of money to be used for remediating contaminated properties. However, the Superfund program is slow, ineffective, and very expensive, and has managed to address very few sites. Historically, relatively little of the money in the Superfund program is actually applied to site cleanup. Rather, the funds are used to pay the

U.S. Environmental Protection Agency's (EPA's) 5,000 Superfund employees and litigation costs related to Superfund. Businesses interested in redeveloping these sites are often prevented from doing so, even if they in no way contributed to the contamination, by unreasonable liability and cleanup standards that have raised the average cost of cleanup to more than \$20 million per site, much of it in legal fees. More than 20 years after CERCLA's enactment, cleanup is only now concluding at the original Superfund sites. At numerous other sites, cleanup has just begun. The result is a continued glut of contaminated properties.

Passage of the Small Business Liability Relief and Brownfields Revitalization Act (SBLRBRA) has started the process of needed reform. Its protections provide only part of the solution, however, and do not fully address lingering liabilities at treatment, storage, and disposal facilities covered by the corrective action provisions of the Resource Conservation and Recovery Act (RCRA). The failure to fully cover these RCRA sites continues to act as a needless deterrent to the transfer and redevelopment of brownfields.

The U.S. Chamber will do the following:

- Encourage the creation, development and enhancement of state response programs for the rapid and efficient cleanup of contaminated sites.
- Work to enact comprehensive Superfund reform legislation.

USCC 55512

- Work to implement the SBLRBRA and to include increased funding for Brownfield cleanups.

• Work to ensure that cleanups completed under state Brownfields programs are final and that EPA reexamination of the sites is prohibited if the final cleanups are in compliance with state law.

- Work to expand SBLRBRA-type protections to RCRA corrective action facilities.

- Continue to lead the fight against reinstatement of the Superfund tax.

Chamber contact: Environmental Policy at 202-463-5740 or Michael Formica at mformica@uschamber.com.

USCC 55513

The U.S. Chamber's objective is to ensure that federal agencies conduct a reliable cost-benefit analysis of all proposed regulations and that the federal government provide a detailed annual accounting of the costs and benefits of all regulations.

Each year, federal agencies issue approximately 4,000 new regulations. The annual cost of federal regulations is estimated at \$843 billion. The U.S. Chamber of Commerce supports the use of cost-benefit analyses by federal agencies so the public can assess the likely impact of regulatory proposals, establish priorities, consider alternatives, and target resources to those activities that will use public resources most effectively to protect human health and the environment. Executive Order 12866 requires federal agencies to prepare cost-benefit analyses for all significant regulatory actions. The Office of Management and Budget (OMB) has issued cost-benefit guidelines that tell agencies how to prepare these analyses. While the guidelines are detailed and comprehensive, agency compliance has been sporadic and mixed to date. Further improvements in agency analysis and cross-agency consistency are needed before these documents can be truly valuable to the public.

The U.S. Chamber also supports the development of a detailed annual accounting of the costs and benefits of all regulations. OMB has attempted to develop such an accounting for the past several years under the Regulatory Right-to-Know Act. While OMB's efforts are commendable, its annual report is deficient in several key areas. First, OMB merely reports an aggregate of costs and benefits as provided by the agencies, rather than conducting its own independent analysis. Second, OMB's figures are based on projected costs and benefits that are never validated once a regulation is actually implemented. Finally, although substantial research has been done in this area in recent years, no adequate economic model exists for conducting a truly dynamic analysis of total regulatory costs and benefits.

The U.S. Chamber will do the following:

- Ensure that federal agencies conduct reliable cost-benefit analyses of all proposed regulations, including consideration of less costly alternatives.

- Encourage OMB to promote cross-agency consistency in the preparation of cost-benefit analyses and to reject any analyses that fail to comply with the OMB guidelines.

- Persuade OMB to require agencies to validate projected cost-benefit analyses once regulations are implemented.

- Support legislation that would pilot test dynamic economic models to assess the total annual costs and benefits of regulations.

Chamber contact: Regulatory Affairs at 202-463-5837 or Walter Shaub at wshaub@uschamber.com.

The U.S. Chamber's objective is to ensure that all publicly funded research conducted by private parties, universities, and nonprofit organizations is made available to the public to encourage public oversight, sound science, and a transparent regulatory process.

Each year, federal agencies issue approximately 4,000 new regulations. The annual cost of federal regulations is estimated at \$843 billion. Research conducted by private parties, universities, and nonprofit organizations frequently serves as the basis for these costly federal regulations, especially in the areas of environmental protection, health care, and occupational safety. All too commonly, however, the underlying data collected by these outside parties are not made available to the public because of proprietary restrictions placed on their dissemination and use. This means that the public is unable to evaluate whether the data are based on sound, reliable science and analytical models.

Congress passed the data access law to require that all publicly funded research conducted by private parties, universities, and nonprofit organizations that is used or relied upon by federal agencies to support a regulation be made available to the public under the Freedom of Information Act. Following passage of the data access law, the Office of Management and Budget (OMB) issued final guidelines intended to fully implement this law. However, the OMB guidelines limit the scope of coverage to information used in final agency rules and to information from grants awarded after October 1999.

The U.S. Chamber will do the following:

- Use the data access law to obtain access to publicly funded third-party information that federal agencies use or rely upon in the regulatory process.
- Evaluate whether such information is based on sound science and rigorous technical analysis.
- Consider litigation against federal agencies that refuse to provide access to information covered by the law.

USCC 55516

- Urge OMB to expand its guidelines to cover all publicly funded third-party information.

- Lead the fight to ensure that the data access law is not repealed.

Chamber contact: Regulatory Affairs at 202-463-5837 or Walter Shaub at wshaub@uschamber.com.

USCC 55517

The U.S. Chamber's objective is to ensure that all information disseminated or used by federal agencies in the rulemaking process is based on sound science and rigorous technical analysis.

The total annual cost of federal regulations is estimated at \$843 billion. These costs are passed along in the form of higher prices for goods and services, higher taxes, reduced wages, lower employment, stunted economic growth, and slower technological innovation. The U.S. Chamber of Commerce has long advocated changes to the federal regulatory process that will help ensure that rulemaking and other federal agency activities are based on sound science and the best available data.

The Data Quality Act (DQA) requires the Office of Management and Budget (OMB) to issue government wide guidelines that "ensure and maximize the quality, objectivity, utility, and integrity of information" disseminated by federal agencies, including information used to support new federal regulations. The DQA further requires agencies to establish administrative mechanisms that allow affected parties to petition for the correction of information that does not comply with the new OMB guidelines.

OMB issued its final DQA guidelines on February 22, 2002. Each agency was required to issue its own implementing guidelines by October 1, 2002. Among the most important elements in the guidelines are requirements that influential scientific and statistical information be sufficiently transparent and reproducible, that agencies ensure the quality of data provided by third parties, and that agencies establish an administrative appeal process for correction requests that are denied. The U.S. Chamber believes that the DQA may be one of the most significant developments in the federal rulemaking system since passage of the Administrative Procedure Act more than 50 years ago.

The U.S. Chamber will do the following:

- Work with federal agencies to ensure that all data disseminated or used by the agencies comply with OMB and agency data quality guidelines.
- Conduct scientific, economic, and other research, where

appropriate, to test the quality of data used by federal agencies in support of regulations or other policies.

- Use the DQA petition process to attempt to correct erroneous or poor-quality data that adversely affect the business community.
- Incorporate violations of the DQA into legal challenges against federal agencies.

Chamber contact: Regulatory Affairs at 202-463-5837 or
Walter Shaub at wshaub@uschamber.com.

The U.S. Chamber's objective is to ensure that the federal government uses advanced technologies and the Internet to deliver better government services to the public at lower costs and that government works in collaboration with the private sector to develop and deploy essential electronic technologies.

According to the Office of Management and Budget (OMB), the federal government is the world's largest consumer of information technology (IT). However, while IT use has contributed 40 percent of private sector productivity growth in recent years, the public sector has been unable to realize similar gains. In fact, even though the federal government now spends nearly \$60 billion annually on IT, most federal agencies have not successfully used these new technologies to rethink government processes or create new and dynamic models of government. The E-Government Initiative seeks to change that.

The E-Government Initiative attempts to create citizen-focused services that improve the value of government to the public. An interagency E-Government Task Force is currently working to identify systematic barriers to e-government deployment, initially in the areas of electronic procurement, grants, regulations, and authentication. Priorities include the development of enhanced computer security and confidentiality protections, Internet-based IT systems to improve public access to information and services, fully interactive regulatory dockets, and reduced paperwork and reporting requirements. Improved access to information, including electronic regulatory dockets, should greatly enhance the quality and transparency of regulations.

While the promise of e-government is massive, critical technological barriers exist. For example, the rapid advance and obsolescence of technologies means that government must develop the ability to archive and retrieve vast amounts of electronic information across generations of technologies. Private sector interests are enormous as well. Private companies need to retain and access electronic records (e.g., plans, specifications, and designs) for a variety of legal and regulatory purposes. Some of these records encompass millions of pages, can only be stored electronically, and may need to be accessible for decades into the future. The

legal and regulatory implications of e-government are only now becoming clear.

The U.S. Chamber will do the following:

- Work with Congress and the executive branch to ensure that the federal government uses advanced technologies and the Internet to deliver better government services at lower costs.
- Promote government collaboration with the private sector to develop and deploy essential electronic technologies.
- Support research and development efforts to create electronic records archiving capabilities for federal agencies and the private sector.

Chamber contact: Regulatory Affairs at 202-463-5837 or
Walter Shaub at wshaub@uschamber.com.

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The U.S. Chamber's objective is to ensure that the listing of endangered species and the designation of critical habitats are based on sound science and balance the protection of endangered species with the costs of compliance and the rights of property owners.

The Endangered Species Act (ESA), which is jointly enforced by the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), makes it illegal to "take" any threatened or endangered species without a permit. The FWS and NMFS use a broad definition of "take" to prohibit direct harm to any listed species and to prohibit the degradation of a species' significant habitat. This definition has led to large areas of land and water being designated as critical habitat for listed species and has resulted in significant disruption to commercial, agricultural, and development activities. In addition, private property owners who seek to comply with ESA have difficulty because FWS regulations do not include adequate scientific criteria to determine whether a species is truly endangered. Further, despite an ESA requirement, the FWS has not developed reasonable habitat conservation and recovery plans to revive threatened species.

ESA requirements have resulted in severe economic hardship for private property owners and communities. For example, the listing of such species as the northern spotted owl and the golden-cheeked warbler as endangered has resulted in higher lumber prices, sharply decreased property values, and decreased tax revenues. During a drought in the Klamath Basin in northern California and southern Oregon, the FWS denied water to rural property owners to protect suckerfish and coho salmon. As a result, schools and homes went without water, crops shriveled, and the basin's nearly 1,400 farmers lost millions of dollars. Recent studies have questioned whether irrigation posed a threat to the survival of these fish at all. In another instance, construction of the San Bernardino County Hospital in California, designed as a state-of-the-art medical facility to serve as the trauma center for the region, was delayed by more than a year to protect the Delhi sands flower-loving fly, which has no known value.

USCC 55522

The U.S. Chamber will do the following:

- Seek the adoption of clear and objective standards for evaluating species listings and critical habitat designations under ESA, to include the use of sound science, best available peer-reviewed studies, and detailed cost-benefit considerations for the affected community.
- Seek legislation to protect the rights of property owners affected by ESA listings and critical habitat designations.
- Advocate for legislation and regulations to require that economic analyses be completed before a species is listed as threatened or endangered, as required by ESA.

Chamber contact: Regulatory Affairs at 202-463-5837 or
Walter Shaub at wshaub@uschamber.com.

USCC 55523

The U.S. Chamber's objective is to ensure that the environmental justice program of the U.S. Environmental Protection Agency (EPA) is within the agency's statutory authority to administer the environmental laws of the nation and to contain the EPA's attempts to establish policy that exceeds its statutory authority.

The U.S. Chamber of Commerce supports the fair treatment and meaningful involvement of all people in the regulatory process, regardless of race, ethnicity, or income. In addition, the U.S. Chamber supports an open and informed dialogue with all stakeholders about the regulatory decisions that affect local communities.

Environmental justice advocates allege that too many industrial facilities are located in minority and low-income communities, and that adverse, disparate environmental impacts are imposed on residents by allowing a disproportionate number of facilities to open in these areas. Accordingly, EPA seeks to prevent the industrial development of communities on the basis of their racial or economic makeup.

The U.S. Chamber opposes the imposition of regulatory requirements that exceed the specific statutes under which an agency operates. A business must know that when it applies to an agency for a permit, license, or registration, it can reasonably foresee the regulatory requirements it must meet. The environmental justice program introduces an intolerable level of uncertainty into the regulatory process and ultimately prevents economic development in the nation's most disadvantaged communities. This program directly contradicts federal programs designed to encourage businesses to locate in inner cities and underdeveloped areas, thereby denying employment, economic opportunity, and upward mobility to the most disadvantaged Americans. For these and other reasons, mayors, state environmental officials, the National Black Chamber of Commerce, and the greater business community oppose the environmental justice program.

The U.S. Chamber will do the following:

- Encourage economic development opportunities in the most disadvantaged areas of the country.

- Continue efforts with the National Black Chamber of Commerce and others to oppose environmental justice restrictions on economic development projects.
- Oppose government programs that allow federal agencies to exceed their statutory authority.
- Ensure that environmental and health decisions are based on sound science and valid risk assessments.

Chamber contact: Regulatory Affairs at 202-463-5837 or Walter Shaub at wshaub@uschamber.com.

USCC 55524

USCC 55525

The U.S. Chamber's objective is to ensure multiple uses of federal lands, from environmentally compatible economic activities to recreation and conservation.

Federal natural resource policies that guide the management of public lands have substantial impacts on local and regional economies, particularly in the western United States. Efforts to limit uses of federal lands and forests have restricted the effective maintenance and use of public lands and the economies of communities in these areas.

Moreover, at a time when the nation needs to increase domestic energy production, vast stretches of public lands and offshore holdings with important energy, mineral, and timber resources are unavailable. As part of a strong national energy policy, all opportunities to harness the energy potential of the Outer Continental Shelf should be explored, and energy resources on public lands should be developed to reduce U.S. reliance on foreign sources of petroleum and natural gas.

These policies have distressed communities in areas with large tracts of public lands. For example, since the early 1900s, receipts from timber harvested on federal lands have funded school districts in forested communities. Efforts to restrict timber activities have greatly reduced education funding for many rural schools.

The U.S. Chamber of Commerce will continue to stress the need for strategies designed to achieve appropriate long-term forest and public land management policies, including the full implementation of current forest plans and efforts to continue the timber sales program of the U.S. Department of Agriculture Forest Service. The U.S. Chamber will oppose efforts to eliminate road construction in sections of national forests and restrict cattle grazing on public lands.

The U.S. Chamber will do the following:

- Ensure that public lands are managed for multiple uses and the maximum public benefit, including recreation and mineral resources.

USCC 55526

- Advocate that, as part of a strong national energy policy, energy resources on both public lands and in offshore holdings be developed to reduce U.S. reliance on foreign sources of petroleum and natural gas.

Chamber contact: Environmental Policy at 202-463-5740 or Michael Formica at mformica@uschamber.com.

USCC 55527

The U.S. Chamber's objective is to limit food-labeling requirements to those designed to protect consumer health and safety. The U.S. Chamber opposes mandatory labeling of foods solely on the basis of the process used to develop or prepare them.

The European Union (EU) has developed stringent labeling, traceability, and safety approval requirements for genetically engineered food and feed. All food and feed derived from biotech crops that are imported by or produced in the EU must be labeled, even if the added genetic material is undetectable. To export their products to the EU, U.S. producers must comply with these onerous, expensive, and unnecessary requirements that are not risk-based and do not advance food safety.

In the United States, the food-labeling issue emerged in the 2002 Farm Bill, which established that country-of-origin labeling would be mandatory for certain products beginning in September 2004. However, because of an additional two-year moratorium for meat, poultry, seafood, produce, and peanuts, only fish producers are being held to the 2004 start date; the remaining commodities have until 2006 to begin mandatory labeling programs. Because this issue arises repeatedly in U.S. legislation and regulation, the Chamber will continue to object to mandatory food-labeling programs that are not safety-oriented.

The U.S. Chamber will do the following:

- Support voluntary country-of-origin labeling as a business- and consumer-friendly alternative to mandatory labeling.
- Advocate free and open operation of commodity markets.
- Continue to oppose the EU's implementation of labeling and traceability requirements for genetically engineered food and feed.
- Oppose unnecessary and duplicative allergen labeling requirements.

Chamber contact: Food and Biotechnology at 202-463-5657 or Kenny Peskin at kpeskin@uschamber.com.

USCC 55528

The U.S. Chamber's objective is to promote and support sensible, science-based legislation and regulations that protect the quality, quantity, and safety of the U.S. food supply.

Responsibility for protecting the nation's food supply is divided among the U.S. Food and Drug Administration (FDA), the U.S. Department of Agriculture, the U.S. Environmental Protection Agency, the Centers for Disease Control and Prevention, and state and local agencies. Current food safety issues include biotechnology crops, pesticides, food-borne illnesses, antibiotic resistance, food irradiation, and uniformity in food regulation.

Concerns have been raised that terrorists could tamper with imported foods. In December 2003, under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, the FDA finalized rules for imported food to address this concern. The rules address key issues: the administrative detention of suspicious food items; registration requirements for domestic and foreign food facilities; recordkeeping requirements that track the chain of custody for imported food; and prior notice requirements that alert the FDA about all food on its way into the United States. Because of difficulties encountered by businesses that are trying to implement these rules, their full implementation has been a gradual process.

For government agencies and businesses alike, national security will remain a high priority in food safety policy. Although increased regulation is intended to enhance government oversight of the U.S. food supply, it also imposes onerous administrative burdens on business. The U.S. Chamber of Commerce will track the evolution of the pertinent final rules and advocate against regulations whose costs to business outweigh the benefits to national security.

The U.S. Chamber will do the following:

- Support the government position that food be safe, nutritious, and labeled in a manner that is clear and not misleading.

USCC 55529

- Monitor legislative and regulatory issues related to food safety in the United States and abroad.

- Provide comments, testimony, and policy recommendations on food safety legislation and regulations.

Chamber contact: Food and Biotechnology at 202-463-5657 or Kenny Peskin at kpeskin@uschamber.com.

USCC 55530

The U.S. Chamber's objective is to ensure that the regulation of mercury is based on sound science and the best data available, considers actual health risks, considers the impacts on energy supplies and the economy, and is undertaken in the most efficient manner possible, fully utilizing the co-benefits provided by the regulation of other pollutants.

Mercury is a widespread and naturally occurring element. In the past few years, an inadequate assessment of relevant science has led the U.S. Environmental Protection Agency (EPA) to mistakenly conclude that exposure to mercury emissions from power plants presents a significant health risk to Americans. As a result, EPA has proposed two alternative strategies for regulating these emissions: either through a flexible cap-and-trade marketable emissions system or through the Clean Air Act's inflexible Maximum Achievable Control Technology standard.

The Chamber has three primary concerns regarding EPA's attempt to regulate mercury emissions:

- EPA failed to include an adequate opportunity for public review and comment on its initial finding that regulation of mercury emissions from power plants is appropriate and necessary.
- EPA's decision to regulate mercury is not supported by science, and the technology necessary to universally achieve reductions at the proposed levels simply does not exist.
- Potential conflicts of interest exist in the rulemaking, as a senior official in the EPA office examining the issue was also involved in the litigation against the agency on this issue.

Recent federally funded studies show that mercury exposure from fish consumption at present levels is not harmful to the health of Americans, suggesting that regulatory controls are unnecessary to protect human health.

USCC 55531

The U.S. Chamber will do the following:

- Continue to advocate market-based regulatory approaches that enhance the nation's energy security, ensure economic growth, do not impede environmental progress, and rely on co-benefits to encourage cost-effective multipollutant strategies.

Chamber contact: Environmental Policy at 202-463-5740 or Michael Formica at mformica@uschamber.com.

USCC 55532

The U.S. Chamber's objective is to advocate for revision of the New Source Review (NSR) program to achieve improved environmental protection and increased energy production.

The NSR program, under the Clean Air Act, establishes emissions standards for new and modified stationary sources of air pollutants. Traditionally, the U.S. Environmental Protection Agency (EPA) has resisted treating routine maintenance and repairs as major modifications requiring new permits and more stringent controls. However, in 1998, EPA significantly narrowed the exemption for routine maintenance to cover only frequent, traditional, and comparatively inexpensive repairs made to maintain existing equipment. EPA began a series of enforcement efforts based on this new interpretation of the exclusion.

In 2002, EPA once again began the process of reviewing the NSR rules and made numerous recommendations to streamline them and provide certainty for the regulated community. These recommendations culminated in new provisions in August 2003 concerning routine equipment replacement rules. The equipment replacement rules clarify the regulatory process and allow facilities to replace process unit parts without fear that the improvements will put them in violation of the NSR program. The U.S. Chamber of Commerce will continue to advocate for rules that clarify the effects of routine maintenance and repair.

EPA has considered a number of other revisions to the NSR rules. Plantwide applicability limits allow a facility to avoid the NSR permitting process when making alterations to the facility, or to individual units, if actual emissions remain below a plantwide cap. EPA has also reviewed provisions that would allow a facility to make changes to a designated unit without triggering further review if the changes do not alter permitted emissions limits, work practice requirements, or any physical or operational characteristics of the facility. Finally, EPA is contemplating recognition of environmentally beneficial technologies, the installation of which should not trigger NSR review, as well as changing the methodology for calculating emissions with a new procedure for determining actual baseline emissions.

USCC 55533

The U.S. Chamber will do the following:

- Oppose legislative attempts to block NSR reform efforts.
- Continue to advocate for NSR reform.

Chamber contact: Environmental Policy at 202-463-5740 or Michael Formica at mformica@uschamber.com.

The U.S. Chamber's objective is to support the final permitting, construction, and operation of a permanent repository for spent nuclear fuel at Yucca Mountain, Nevada.

The Nuclear Waste Policy Act of 1982 (NWPA) obligates the U.S. Department of Energy (DOE) to manage the disposal of spent nuclear fuel and high-level radioactive waste from commercial power reactors and defense programs. In 2002, Congress overruled the objections of Nevada Governor Kenny Guinn and approved Yucca Mountain as the site for a national repository.

Yucca Mountain is the most studied piece of real estate in the world. Hundreds of scientific studies have shown it to be a safe and suitable location for a repository. According to DOE reports, the Yucca Mountain repository is unlikely to release radiation into the outside world for at least 10,000 years. Its remote location, dry climate, and extremely deep water table greatly reduce the possibility of waste seepage. Although Yucca Mountain has long been considered the main site for permanent storage of the nation's growing nuclear waste material, substantial political debate has impeded final approval for two decades. Currently, spent nuclear fuel is stored in 131 temporary facilities in 39 states. This waste should be consolidated in a federal repository designed for long-term storage.

Under NWPA, the federal government has received commitments of more than \$17 billion from utilities around the country to fund DOE construction of a repository. DOE has thus far failed to begin construction but continues to collect \$600 million annually from electricity consumers for this purpose.

With the final legislative hurdle cleared, DOE is now authorized to apply to the U.S. Nuclear Regulatory Commission (NRC) for a license to operate the Yucca Mountain repository. The U.S. Chamber of Commerce believes that NRC should grant DOE a license to operate the Yucca Mountain repository.

USCC 55534

USCC 55535

The U.S. Chamber will do the following:

- Continue to educate the members of the Yucca Energy Solution (YES) coalition organized by the U.S. Chamber to advocate for congressional approval of the Yucca Mountain repository site.
- Continue to inform the news media and the public about the safety record of nuclear waste transportation.
- Support complete funding of the Yucca Mountain budget and oppose efforts to undercut the repository licensing process.

Chamber contact: Environmental Policy at 202-463-5740 or Michael Formica at mformica@uschamber.com.

USCC 55536

The U.S. Chamber's objective is to ensure that all information used or relied upon by federal agencies as part of the rulemaking process has been subjected to rigorous, independent peer review.

Each year, federal agencies issue approximately 4,000 new regulations. The annual cost of federal regulations is estimated at \$843 billion. The U.S. Chamber of Commerce has long advocated changes to the federal regulatory process that will help ensure that rulemakings and other federal agency activities are based on the best scientific and technical information available.

One way to ensure that federal agencies use and rely on sound science as the basis for regulatory actions is to require peer review of all scientific and technical information used in the rulemaking process. In 2004, the Office of Management and Budget (OMB) issued a supplement to its Data Quality Act guidelines requiring all important scientific information used by agencies to be peer reviewed prior to dissemination. Specifically, OMB's guidelines require that all influential scientific information used in the regulatory process be subjected to independent, external peer review before it can be relied upon. In addition, for scientific risk assessments that support major regulations (e.g., those having a greater than \$500 million annual impact or those involving important interagency issues), OMB requires detailed reports from federal agencies, including written specifications on the scope of the peer review, the technical expertise and independence of the peer review, public review and comment, and detailed findings about the outcome of the peer review process.

The Data Quality Act is intended to ensure and maximize the quality of information used and relied upon by federal agencies. OMB's peer review guidelines should help achieve this goal by improving the quality and credibility of regulatory science used by federal agencies.

The U.S. Chamber will do the following:

- Ensure that all scientific and technical information used or relied upon by federal agencies as part of the rulemaking process is subjected to independent, external peer review.

USCC 55537

- Support the full implementation of OMB's peer review guidelines.
- Conduct scientific, technical, and statistical research, where appropriate, to test the quality of peer reviews conducted by federal agencies.
- Pursue administrative challenges under the Data Quality Act when federal agencies use or rely on scientific and technical information that has not been subjected to adequate peer review.

Chamber contact: Regulatory Affairs at 202-463-5837 or Walter Shaub at wshaub@uschamber.com.

The U.S. Chamber's objective is to advocate for the reforms necessary to revitalize the telecommunications industry.

Telecommunications is the central nervous system of the American economy. It has revolutionized the way we conduct business, communicate with each other, educate our children, and deliver health care. Current regulations, however, have caused the telecommunications industry to become mired in an economic depression. Between March 2000 and July 2004, market capitalization of the telecommunications service industry fell by \$760 billion. Moreover, telecom employment continues to lag. The U.S. Chamber supports six legislative reforms that will create enormous economic benefits over the next five years, including \$58 billion in new capital investment, an increase of \$634 billion in the gross domestic product, and the net creation of more than 212,000 jobs.

Specifically, U.S. Chamber policies address the following:

- Network sharing—phasing out mandatory network-sharing rules and, more immediately, ending regulated wholesale rates set at theoretical costs.
- Spectrum allocation—making 438 MHz of prime radio spectrum available for commercial wireless operators.
- Regulatory parity—exempting high-speed cable modem and digital subscriber lines from common carrier regulations.
- Voice-over-Internet Protocol—exempting Internet services from state telephone service regulations.
- Universal service—raising funds for universal service directly from general tax revenues rather than from hidden costs that hinder telecommunications competition and the growth of network services.
- Universal service—distributing universal service funds directly to targeted consumers.

USCC 55538

USCC 55539

The U.S. Chamber will do the following:

- Disseminate the U.S. Chamber-sponsored telecom study and host forums to educate consumers and policymakers about the benefits of telecommunications reform.
- Build a grassroots coalition of technology companies, business users of every size and sector, trade associations, and local chambers of commerce.
- Urge Congress and the administration to pass telecommunications reform legislation during the 109th Congress.

Chamber contact: Technology Policy at 202-463-5949 or Jason Goldman at jgoldman@uschamber.com.

USCC 55540

The U.S. Chamber's objective is to support full funding for the U.S. Patent and Trademark Office.

The U.S. Patent and Trademark Office (PTO) grants patents for the protection of inventions. A patent is a right granted by the government that allows the holder, for a limited period, to prevent others from making, using, or selling registered inventions. Patents encourage the invention of new products, reward the discovery of new uses for existing processes or items, and generate jobs for millions of Americans. The PTO is critical to U.S. economic success because it protects new ideas and investments in innovation and creativity.

Of specific interest to the business community is the issue of funding for the PTO. During the past 12 years, more than \$650 million has been diverted from the PTO to other government programs, creating a significant strain on the efficiency and capabilities of the office. This diversion of funds has an adverse effect on the quality of patents, resulting in expensive litigation and uncertainty about who has legal rights to new products and processes. Unless changes are made at the PTO, processing time for a patent is expected to increase from 24.6 months in 2004 to 45 months by 2009. This would be devastating to the U.S. economy.

To address these concerns, the PTO proposed sweeping reforms in its 21st Century Strategic Plan. The U.S. Chamber of Commerce supports this proposal. If the proposal is fully funded, the PTO predicts a processing time of just 27 months in 2009.

The private sector has long signaled its willingness to bear the financial burden of reforming the PTO, but only if these additional revenues are made available for PTO reforms. The U.S. Chamber supports legislation that ends fee diversion while increasing user rates to fund PTO reform.

The U.S. Chamber will do the following:

- Support full funding for the PTO.
- Urge Congress to pass legislation ending PTO fee diversion.

USCC 55541

- Work with other coalitions, associations, and businesses to achieve PTO reform.

Chamber contact: Technology Policy at 202-463-5949 or Jason Goldman at jgoldman@uschamber.com.

USCC 55542

The U.S. Chamber's objective is to promote the sensible regulation of water quality based on technically sound, practical, and economically achievable methods.

Industry has made significant contributions to America's continuously improving water quality. Since Congress passed the Clean Water Act in 1972, U.S. businesses have spent more than \$50 billion annually to monitor and control water pollution. The result is that America's water resources are the healthiest in generations.

Several initiatives, with significant economic impacts, have been proposed to attempt further improvements in water quality. The Total Maximum Daily Load (TMDL) program would severely restrict local economic growth by limiting the ability of companies to construct new, or expand existing, facilities in certain locations that have impaired waters. A June 2001 National Academy of Sciences report questioned the design of the TMDL program and called for a more science-based approach. Similarly, a rule on nonpoint source pollution would lead to marginal cleanup of some water bodies but at a staggering cost. Many state regulators, farmers, and members of Congress agree that the new regulations are unworkable and too costly.

The U.S. Chamber of Commerce supports efforts to ensure the maintenance of water quality at levels that protect human health and well-being, as well as physical and biological aquatic environments. Strategies to achieve these water quality levels should be based on technically sound, practicable, and achievable methods, not on politics.

The U.S. Chamber will work to ensure that the U.S. Environmental Protection Agency (EPA) does not issue new water quality rules unless the costs and benefits are clearly identified. Additionally, regulations should be flexible and efficient, and should recognize the role of states in addressing their own water quality issues.

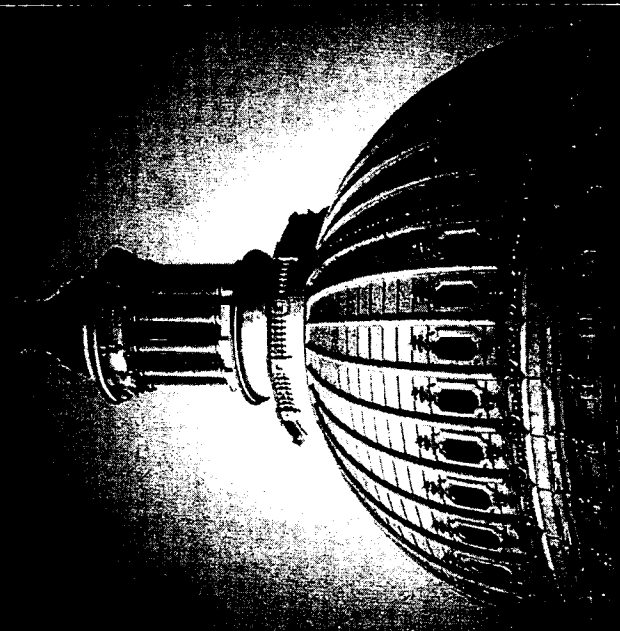
The U.S. Chamber will do the following: **USCC 55543**

- Work to ensure that any new rules issued by EPA are based on sound science and objective, useful, high-quality data.

- Work to ensure that EPA does not implement new water quality rules until the costs and benefits are clearly identified.
- Work to ensure that any water quality regulations are flexible and efficient and recognize the role of states in addressing their own water quality issues.
- Oppose water quality requirements that are based on politics rather than science.

Chamber contact: Environmental Policy at 202-463-5740 or Michael Formica at mformica@uschamber.com.

USCC 55544



LABOR/HEALTH CARE/RETIREMENT SECURITY

USCC 55545

In addition to essential workers, the U.S. economy continues to need access to skilled workers in many sectors. Access to technology, scientific, education, health, and engineering workers, which the United States is not producing in adequate numbers, continues to be a Chamber priority.

In 2003, the increases in the H-1B cap expired, reducing the number of available visas to 65,000 for fiscal year 2004 and beyond. The cap was reached in March 2004. Provisions in the free trade agreements with Chile and Singapore reserved 6,800 of the annual H-1B visas, further reducing the number of available visas. The U.S. Citizenship and Immigration Services allowed employers to file in April 2004 for the 2005 cap, but enough petitions were filed and approved to account for the entire available visa allotment for the current year on the first day they became available, October 1, 2004. Congress passed provisions at the end of the 108th Congress to exempt up to 20,000 H-1B visas from the cap for master's degree and Ph.D. graduates of U.S. colleges and universities, but most people believe that this will not be enough to prevent the cap from being reached for the foreseeable future. The Chamber will continue to urge Congress to allow employers access to highly educated workers from abroad.

Congress also made changes to the L-1 visa category for international intracompany transfers. Legislation passed at the end of the 108th Congress dealt with issues regarding the placement of L-1 workers at unaffiliated employers (commonly called "job shops") as labor for hire. The legislation was a partial response to critics of outsourcing, who charged that foreign outsourcing companies were abusing the L-1 visa. More drastic changes to the category—including a cap, labor market tests, and/or prevailing wages—were not adopted.

The U.S. immigration system continues to provide inadequate avenues for employers to access talented workers from around the world. Artificial caps on visas have the effect of driving skilled workers to other countries and to America's competitors, as well as requiring U.S. employers to consider taking projects and work to where the workers are. As the United States continues to fall farther behind in graduating skilled workers in needed disciplines,

we are in danger of losing our competitive edge. Restrictions on the L-1 category—a major conduit for foreign investment in the United States that creates millions of jobs (so-called insourcing)—could jeopardize this significant part of our economy. The Chamber will continue to play a leadership role in ensuring that employers in the United States can hire the necessary skilled personnel, managers, and executives to expand their businesses and create more jobs and wealth for the U.S. economy.

Sources for additional information: Compete America coalition (www.competeamerica.org); U.S. Chamber materials (www.uschamber.com/government/issues/immigration/h1b.htm).

Chamber contact: Labor, Immigration, and Employee Benefits Division at 202-463-5522.

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Too often, the expense and burden of defending against a citation from an agency are so severe that small businesses are coerced into settling when a regulatory agency pursues a minor, or even meritless, action. Current law allows small businesses to recover attorneys' fees if they are successful only after they have proved, in a separate proceeding, that the government's actions were not "substantially justified." This provision has all but eliminated the possibility of small businesses recovering their legal fees.

In the 106th Congress, the Chamber strongly supported the Fair Access to Indemnity and Reimbursement (FAIR) Act (S. 1158, H.R. 1987), a version of which had passed the House in the 105th Congress. The FAIR Act sought to allow small businesses to recoup attorneys' fees when they prevail in administrative or court cases brought by the Occupational Safety and Health Administration (OSHA) or the National Labor Relations Board. More recently, in the 108th Congress, the Chamber was a leading supporter of a bill (H.R. 2731) introduced by Representative Charlie Norwood (R-GA) that passed with bipartisan support but was not pursued in the Senate. This bill would have repealed the substantial justification obstacle to small businesses recovering their legal fees when they prevail in cases against OSHA. Similar legislation is expected to be introduced in the 109th Congress in the House and possibly in the Senate. The Chamber remains committed to supporting reform of this law.

Sources for additional information: Fair Access to Indemnity and Reimbursement Act (S. 1158, H.R. 1987—106th Congress); Equal Access to Justice Reform Amendments of 2001 (S. 106); Occupational Safety and Health Small Business Day in Court Act of 2004 (H.R. 2731—108th Congress).

Chamber contact: Labor, Immigration, and Employee Benefits Division at 202-463-5522.

USCC 55548

More than 136 million people in the United States receive health insurance through private employers. In 2003, the number of uninsured Americans increased to 45 million, up from 43.6 million in 2002, as health care costs grew and more people found they could no longer afford their plans or lost access to a workplace health plan. Between 2000 and 2003, the percentage of nonelderly Americans with workplace health coverage decreased from 67.1 percent to 63 percent.

About 60.4 percent of uninsured people live in a family in which the head of the family works full time for the full year but is either not offered health insurance or cannot afford to pay the premiums to participate. Uninsured workers tend to be self-employed or work for smaller businesses: 12.3 percent of the self-employed are uninsured; 31.8 percent of workers at businesses with fewer than 10 people are uninsured; 26.4 percent of workers at businesses with between 10 and 24 workers are uninsured; and 18.4 percent of workers at businesses with between 25 and 100 employees are uninsured. In addition, health care costs continue to grow at a record pace, with costs for large companies increasing by 13.2 percent in 2003, while small businesses are experiencing annual premium increases of 15.5 percent.

The U.S. Chamber believes that the problem of access to affordable coverage is our highest health care-related priority and demands swift congressional action. In 2000, the U.S. Chamber's board of directors adopted a proposal to expand access to health coverage and make it more affordable while also improving the quality of health care services and coverage.

The U.S. Chamber supports strengthening and expanding the current employer-based system while developing alternatives for individual health care coverage.

The Chamber proposes the following:

- Allowing above-the-line deductions for individuals who pay their own health insurance premiums (including premiums for long-term care insurance).

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- **Creating forward-funded, refundable tax credits for the purchase of private health coverage for low-and moderate-income individuals and families.**
- Allowing associations to offer health coverage under the Employee Retirement Income Security Act (ERISA) to small businesses, individuals, and the self-employed.
- Expanding the availability of health savings accounts.
- Reforming the health care liability system.

Sources for additional information: Cover the Uninsured Week (<http://coveringtheuninsured.org>); Employee Benefits Research Institute (www.ebri.org).

Chamber contact: Labor, Immigration, and Employee Benefits Division at 202-463-5522.

USCC 55550

More than 45 million Americans do not have health insurance; nearly 60 percent of these people are employed by small businesses. As health care costs continue to rise, fewer employers and working families will be able to afford coverage, and the number of uninsured Americans will inevitably rise.

To make health care more affordable and accessible for small businesses, the Chamber supports the passage of legislation that would create federally regulated association health plans (AHPs). Allowing small businesses to arrange their health benefits through associations will make coverage more affordable by spreading risk among a much larger group, strengthening negotiating power with plans and providers, offering insurance across state lines, and reducing administrative costs. To appeal to their broad membership bases, associations will need to offer comprehensive benefit packages that meet a broad array of health care needs and preferences.

The following safeguards will ensure that these plans protect consumer interests:

- Strict requirements under which only bona fide professional and trade associations, which operate for purposes other than providing health insurance for at least three years, may sponsor AHPs. The Department of Labor must certify each AHP.
- Strict solvency standards that go well beyond requirements for employers that self-insure under the Employee Retirement Income Security Act (ERISA).
- Insurance market safeguards that ensure AHPs result in stable, reliable markets for health insurance. AHPs are subject to the Health Insurance Portability and Accountability Act (HIPAA), making it illegal to deny coverage to any eligible participant based on the health status of an individual employee or employer. It is impossible to "cherry-pick" because high-risk groups or individuals cannot be denied coverage.
- Strong enforcement tools that enable federal and state authorities to protect against health insurance fraud. AHPs must register with the state where they are based and abide by

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strict disclosure and reporting procedures; new criminal and civil penalties will combat fraud.

In addition, the legislation gives the Department of Labor (DOL) explicit regulatory authority to ensure that AHPs are properly administered and implemented. Currently, DOL administers and oversees ERISA protections covering 131 million workers, retirees, and their families. Of these, 67 million Americans are covered by self-insured (corporate) plans and an additional 5 million are covered by Taft-Hartley (union) plans. AHPs would be subject to the same oversight as these plans. With this significant experience, DOL is fully equipped to implement and regulate AHPs when this legislation passes.

The legislation, which has passed the House of Representatives seven times since 1994, has been most recently championed by Representatives Sam Johnson (R-TX), Nydia Velazquez (D-NY), and John Boehner (R-OH), as well as Senators Olympia Snowe (R-ME), Jim Talent (R-MO), and Robert Byrd (D-WV). In the 108th Congress, the House passed the legislation (H.R. 660 and H.R. 4281) with broad bipartisan support. President Bush has made enactment of AHPs a central feature of his health care agenda for his second term.

Sources for additional information: Coalition Web site (www.ahpsnow.com).

Chamber contact: Labor, Immigration, and Employee Benefits Division at 202-463-5522.

USCC 55552

At least 20 states are in crisis because soaring health care liability costs and an inability to access liability insurance have caused medical providers to move out of the increasing number of excessively litigious states and have forced hospitals to suspend services.

Without access to practicing physicians and high-quality medical facilities, local chambers cannot attract businesses to their areas. Excessive litigation and high medical lawsuit costs have increased employers' health care costs and spurred some providers to "err on the side of caution," leading to increases in health care spending and in the volume of unnecessary services provided.

The U.S. Chamber supports legislation that would do the following:

- Cap noneconomic damages at \$250,000.
- Cap punitive damages at the greater of twice economic damages or \$250,000.
- Make each party liable solely for its share of damages.
- Allow periodic payments of future damages in excess of \$50,000.
- Impose a sliding scale cap on attorneys' fees.
- Impose a statute of limitations.

While health care groups focused on the medical tort system's impact on the medical profession and those on the front lines of health care delivery, the U.S. Chamber broadened the debate by underscoring the serious and detrimental long-term impact of the crisis on the economic development of affected communities. The Chamber has mobilized state and local chambers in more than 42 states to support legislation addressing the medical liability crisis, culminating with House passage of the Help Efficient, Accessible, Low-Cost, Timely Health Care (HEALTH) Act of 2004 (H.R. 4280). Although the House passed H.R. 4280 with bipartisan support, the Senate did not take up companion legislation (S. 607), despite the fact that many states are on the brink of serious physician shortages.

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The Chamber believes it is essential that health care liability reforms apply to the range of health system providers, including health plans and sponsors, to preclude deep-pocket lawsuits. A number of states have enacted laws holding health plans liable for medical judgments, making it imperative that federal tort reforms be widely applicable. Federal ERISA preemption laws barring such lawsuits against employers should be maintained. In addition, in cases where damages are awarded to plaintiffs for care that has already been paid by health plans but ordered compensated in the judgment, the health plan should be able to recover its payments from the provider's liability carrier.

Early enactment of the provisions of the HEALTH Act will be a major priority for business in the 109th Congress, and the deepening crisis may help break the logjam of tort reform measures in the Senate.

Sources for additional information: Health Coalition for Liability and Access (www.hcla.org); American Medical Association (www.ama-assn.org).

Chamber contact: Labor, Immigration, and Employee Benefits Division at 202-463-5522.

USCC 55554

For the past five years, the Chamber has been a leader, both independently and as part of the Essential Worker Immigration Coalition (EWIC), in pressing Congress and the administration to understand the needs of our economy for a sufficient workforce, particularly in the less skilled essential worker occupations. The aging of our workforce will likely lead to substantial workforce shortages in the coming years, and recent studies show that immigrant workers contributed more than half of our workforce growth in the past decade. Immigration reform to address the need for workers is imperative. The Chamber and EWIC have repeatedly stated that comprehensive immigration reform must include both a revamped temporary worker program and an earned legalization component, and must have the support of a bipartisan majority for passage. Over the past two years, the Chamber has worked with the administration and congressional leaders on this issue, generating several legislative proposals in Congress and the president's current immigration initiative.

Immigration issues have risen in importance in the national debate over the past two years, with increasing public understanding that our immigration system is broken and needs reform. Security issues raised by the 9/11 Commission indicate a strong need to get a better hold on our immigration system and to know who is in our country. Immigration legislation will likely be introduced early in the 109th Congress, and debate on various aspects of immigration reform will likely be a significant part of the agenda in 2005. The Chamber will continue to work with the White House and Congress to achieve passage of comprehensive reform that meets the needs of the business community for access to essential workers, protects our national security, and recognizes the contribution of immigrants to the United States.

Sources for additional information: Essential Worker Immigration Coalition (www.ewic.org); Chamber Testimony on Essential Workers (www.uschamber.com/_Political+Advocacy/Issues+Index/Immigration/Essential+Workers/default.htm).

Chamber contact: Labor, Immigration, and Employee Benefits Division at 202-463-5522

USCC 55555

Struggling with a membership that has declined to about 8 percent of the private sector workforce, labor unions are seeking to amend the National Labor Relations Act (NLRA) to make organizing easier. The central part of organized labor's agenda is the Employee Free Choice Act (H.R. 3619/S.1925, 108th Congress). This perversely named bill would actually give labor unions the right to waive secret ballot elections in union organizing drives and instead base recognition on a card-check process, in which employees could be forced to choose whether to support a union in the presence of union organizers. The U.S. Chamber will aggressively oppose such a drastic change in our nation's labor laws. Organized labor's inability to recruit members is not the result of defects in the law but rather of organized labor's failure to articulate an agenda that is attractive to the majority of American workers.

The U.S. Chamber believes that an employee's decision on whether or not to be represented by a union can best be made through an NLRB-sanctioned secret ballot election. To protect this right, the Chamber supports passage of the Secret Ballot Protection Act (H.R. 4343/S.2637, 108th Congress), which would prohibit an employer from recognizing a union without the support of its employees as evidenced by the results of a secret ballot election.

In addition, the U.S. Chamber supports strengthening the right of employees to determine whether their union dues or fees will be used for nonrepresentational purposes, such as lobbying or political expenses. In 28 states, unions can force employees to pay full monthly dues even if they are not union members. (In the 22 right-to-work states, employees cannot be forced to pay union dues.) The huge sums collected from employees can be, and often are, used without restriction to support the candidates and political causes favored by union leaders. Union members are rarely consulted about expenditures of their money. Although current law gives employees the right to a refund of dues money spent for political purposes, the refund process is extremely cumbersome and employees are typically unaware of their full rights in this regard. To help strengthen employee rights, the U.S. Chamber supports legislation to require that unions receive employee consent before

using collected dues for purposes unrelated to representation.

Source for more information: Chamber testimony on the Secret Ballot Protection Act (www.uschamber.com/government/issues/labor/nlra.htm).

Chamber contact: Labor, Immigration, and Employee Benefits Division at 202-463-5522.

The Chamber led the employer community's efforts to oppose the Clinton administration's Occupational Safety and Health Administration (OSHA) ergonomics regulation on the grounds that there was insufficient science and medical understanding to support a regulation in this area. Because of the nature of the hazards addressed by this regulation, employers would be held accountable for injuries that could occur from activities outside the workplace. Although a final regulation was issued just after the 2000 election, the Chamber continued fighting. Shortly after the 107th Congress convened in early 2001, the Senate and House passed a joint resolution invalidating the ergonomics regulation under the never-before-used provisions of the Congressional Review Act (CRA). President Bush signed the resolution on March 20, 2001.

On April 5, 2002, Secretary of Labor Elaine Chao launched a four-prong alternative approach to dealing with the ergonomics issue that called for (1) promulgation of industry-specific voluntary guidelines; (2) tough enforcement measures using the Occupational Safety and Health Act's General Duty Clause; (3) workplace outreach offering compliance assistance; and (4) ergonomics research. Industry-specific guidelines have been issued for the nursing home, retail, and poultry processing industries. The National Advisory Committee on Ergonomics, convened as one of the four prongs, has concluded its meetings and made recommendations to the secretary on topics that need further research and on how to reach out to employers more effectively.

The U.S. Chamber continues to co-chair the National Coalition on Ergonomics (NCE), which was the voice of the business community throughout the development and ultimate repeal of the ergonomics regulation. The Chamber will continue to monitor OSHA's activities in this area and be vigilant in opposing any attempts by the agency to overreach through use of the General Duty Clause, the imposition of guidelines lacking a sound scientific basis, or other approaches.

Sources for additional information: National Coalition on Ergonomics (www.ncergo.org); Occupational Safety and Health Administration (www.osha.gov).

Chamber contact: Labor, Immigration, and Employee Benefits Division at 202-463-5522.

USCC 55558

The employer community has long sought changes in how the Occupational Safety and Health Administration (OSHA) operates and the role it plays in workplace safety. In the 108th Congress, four bills passed the House that would have (1) given the Occupational Safety and Health Review Commission (OSHRC) the power to grant extensions for filing challenges (H.R. 2728); (2) increased OSHRC from three members to five (H.R. 2729); (3) restored the deference given to OSHRC by courts rather than the current ruling, which makes OSHRC subordinate to OSHA (H.R. 2730); and (4) reformed the Equal Access to Justice Act to eliminate the government's substantial justification defense against paying legal fees when an employer prevails in challenging an OSHA citation (H.R. 2731). These bills are expected to be reintroduced in the 109th Congress and to receive support again in the U.S. House of Representatives.

The Chamber also supports legislation allowing employers to conduct self-audits, which would increase the use of safety experts and give employers a better understanding of how to improve safety in their workplaces. However, such legislation must provide protection for the audit reports, so that employers are not exposed to litigation or citations as a result. The Chamber is also interested in improving peer review of the economic and safety basis for standards, increased rigorous scientific analysis in support of standards, mandated review of existing standards, cost-benefit analysis, flexibility in meeting regulatory requirements by allowing alternative means of protection that are equally or more protective of workers, clarification of employer responsibilities on multiemployer worksites, and penalty relief for small businesses that make good faith efforts to comply, including correction of the violation relatively quickly.

Sources for additional information: Occupational Safety and Health Small Business Day in Court Act (H.R. 2728); Occupational Safety and Health Review Commission Efficiency Act (H.R. 2729); Occupational Safety and Health Independent Review of OSHA Citations Act (H.R. 2730); Occupational Safety and Health Small Employer Access to Justice Act (H.R. 2731).

Chamber contact: Labor, Immigration, and Employee Benefits Division at 202-463-5522.

USCC 55559

The best way for employers to learn whether they are in compliance with various labor laws, and to improve their practices accordingly, is to conduct self-audits, in which outside experts review their operations in areas such as workplace safety, wages and hours, equal employment opportunity policies, and family and medical leave policies. Unfortunately, a self-audit may put the employer at risk of government prosecution or private court litigation if the reports that are generated are subject to discovery by attorneys representing employees.

To encourage the public policy goal of helping employers comply with the various labor laws that affect them, the Chamber supports legislation or other actions that would protect an audit report as a privileged work product, similar to attorney/client work products. Such protection could include a requirement that employers act within a specified time to make corrections.

Legislation has been introduced in previous Congresses to allow for this approach with respect to OSHA, but it has not moved.

Source for additional information: Safety Advancement for Employees Act of 1997, S. 1237, 105th Congress.

Chamber contact: Labor, Immigration, and Employee Benefits Division at 202-463-5522.

USCC 55560

Cash balance plans are defined benefit plans that combine the advantages of a 401(k) plan with those of a traditional pension plan. Cash balance plans are part of a group of plans referred to as "hybrid plans." An employer may choose to implement a new cash balance plan, but a significant number of cash balance plans have arisen from conversions. In a conversion, an employer converts a traditional benefit plan into a cash balance plan. All benefits that have accrued under the traditional plan are protected and cannot be reduced. For some employees close to retirement, the cash balance conversion may upset future expectations. This change in expectations has led to accusations of discrimination.

Litigation in this area has been inconsistent and has increased the risk of legislation for all hybrid plan sponsors. The Chamber believes that legislation is necessary to clarify the legal status of cash balance and hybrid plans. Despite three cases finding that cash balance plans are legal, including one as recently as 2004 (*Tootle v. ARINC, Inc.*, 222 F.R.D. 88, D. Md. 2004), one case finding to the contrary has dominated the debate. In *Cooper v. IBM Personal Pension Plan* (U.S. Dist. LEXIS 13223, S.D. Ill. July 31, 2003), the court for the Southern District of Illinois found that IBM's pension equity plan and cash balance plan violated the age discrimination rules of the Employee Retirement Income Security Act (ERISA). The publicity generated by this case led to detrimental legislative activity. In January 2004, the Consolidated Appropriations Act was signed into law; it included a provision that prohibited the Treasury Department from issuing regulations on age discrimination issues. As a result of this provision, on

June 15, 2004, the Treasury Department and the Internal Revenue Service decided to withdraw the proposed regulations on age discrimination that had been issued in December 2002. On February 2, 2004, Treasury announced a legislative proposal addressing cash balance plan conversions, legal status, and the whipsaw issue.

The U.S. Chamber believes that cash balance and other hybrid plans are not inherently discriminatory on the basis of age and works to preserve this form of benefit for workers. The Chamber will continue to monitor and oppose efforts that would decrease

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